

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

#ZORD-2014-0001

BILL NO. G-14-07-16 (as amended)

ORDINANCE NO. G-20-14

AN ORDINANCE amending Chapter 157  
of the City of Fort Wayne Municipal Code

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

SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.201 through  
157.224 (Zoning Districts), Sections 157.301 through 157.303 (Development Processes and  
Standards), Sections 157.401 through 157.413 (Additional General Standards), and Sections  
157.501 through 157.506 (Administration), are hereby amended as follows.

1  
2 Amendment AGU1 – 157.203(B)(2)(a):

3 Change “bee hives” to “apiculture” in the AR permitted uses

4 Amendment AU1 – 157.203(D):

5 Add language to the existing AR Accessory dwelling unit footnote stating “and if there is no freestanding accessory dwelling unit on the property”

6 Amendment AU2 – 157.203(D) through 157.224(D):

7 Add “Class I child care Home” to the Residential Accessory Buildings, Structures, and Uses table in each zoning district

8 Amendment AU3 – 157.203(D) through 157.224(D):

9 Add “Community garden” to the Religious Institution Accessory Buildings, Structures, and Uses table in each zoning district

10 Amendment AU4 – 157.203(D) through 157.224(D):

11 Change “Day care” to “Child care ministry” in the Religious Institution Accessory Buildings, Structures, and Uses table in each zoning district; re-order entries alphabetically

12 Amendment DS1 – 157.203(E)(1) through 157.210(E)(1):

13 Add an exclusion for accessory structures on a through lot to the residential districts development standards tables;

- 14 • Allow fences with no setback and detached accessory structures with standard setbacks if there is no access permitted to the lot
- 15 • Where there is access permitted to the lot, allow a fence with a 5 foot setback and a detached accessory structure with a 10 foot setback

16 Amendment DS2 – 157.203(E)(1) through 157.210(E)(1):

17 Change the development standards tables language to “If there is an existing residence on an adjacent parcel on the same side of the street, and the existing residence is within 300 feet of the proposed residence”; add “on the adjacent parcel(s)” to the minimum Front Yard standard

18 Amendment DS3 – 157.203(E)(1) through 157.210(E)(1):

19 Add additional language to the district development standards tables in each of these zoning districts to provide that:

- 20 • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line
- 21 • If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback
- 22 • For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback; delete footnote (4)

23  
24  
25 Amendment F1 – 157.203(E)(2) through 157.224(E)(2):

26 Remove the term “open” from the “Fence (open/ornamental)” and the Front Yard provision in the Additional Yard Location and Yard Projection Standards table in each zoning district

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Amendment DEF1 – various locations, starting with 157.208(C)(5)

Make the use of the terms “club”, “club, private” and “club, nonprofit” consistent; use the term “club, private”

Amendment DS4 – 157.208(E)(1) and 157.209(E)(1):

Add a 25 foot building setback standard from an interior private street under the “Front Yard” heading in the R3 and RP development standards tables

Amendment DS5 – 157.208(E)(1) and 157.209(E)(1):

Add a 10 foot “side to side” building separation standard for multiple family complexes with multiple single or two family dwellings under the “Multiple family complex building separation” heading in the R3 and RP development standards tables

Amendment PU1 – 157.212(C) through 157.215(C), 157.216(B) through 157.224(B):

Add parking area as a permitted use in the Commercial and Industrial districts (except C1) if not adjacent to a residential district; add as a special use if adjacent to residential or in a C1 district; the use will not be permitted in DC, DE, or UC districts

Amendment PU2 – 157.213(B), 157.214(B), 157.215(B):

Add “commercial” after “new” to “For new development...” in the C2 Limited Commercial, NC Neighborhood Center, and SC Shopping Center Limitations on Building Size and Number of Buildings provisions

Amendment PU3 – 157.213(C) through 157.215(C), 157.216(B) through 157.224(B):

Add parking area (off-site) as a permitted use in the other Commercial and Industrial districts (C2 through I3 districts)

Amendment PU4 – 157.213(C) through 157.215(C), 157.216(B) through 157.224(B):

Add Automated Teller Machine as a permitted primary use to certain commercial districts (C2 through C4 districts)

Amendment PU5 – 157.213(C) through 157.215(C), 157.216(B) through 157.224(B):

Update the commercial zoning districts so that each use in each commercial category is listed in each zoning district’s permitted use tables

Amendment PU6 – 157.216(B) and 157.217(B); 157.223 and 157.224(B):

Add “automobile rental (indoor)” and “automobile sales (indoor)” to the C2, NC, and SC permitted use tables

Amendment SU2 – 157.214(D) through 157.216(D):

Delete the existing Automobile sales special use from the C2, NC, and SC districts

Amendment SU3 – 157.214(D) through 157.216(D):

Remove the word “retail” from the C2, NC, and SC district greenhouse and plant nursery special uses

Amendment PU7 – 157.216(B) and 157.217(B); 157.223 and 157.224(B):

Add “motor vehicle sales” and “motor vehicle rental” to the C3, C4, I2, and I3 permitted use tables

1 Amendment PU8 – 157.218(B) through 157.220(B):

2 Add educational institution as a permitted use in the DC, DE, and UC districts

3 Amendment SU4 – 157.218(C):

4 Add a special use provision to allow mini-storage in the DC district as a permitted primary use; treat similar to parking structures in that an integrated facility will not require a special use;

5 Amendment DS6 – 157.213(E)(1)

6 Add a 20 foot minimum primary structure building height standard back to the DE development standards table

7 Amendment DS7 – 157.214(E)(1)

8 Add a 20 foot minimum primary structure building height standard back to the UC development standards table

9 Amendment AS1 – 157.220(E):

10 Change “All lots” to “Primary buildings and structures” under the Front Yard heading in the  
11 UC/Urban Corridor district Development Standards table; add a footnote “4” to the Front Yard  
12 heading; revise footnote “4” to read “(4) Accessory buildings or structures shall be located on  
the side of or to the rear of the primary building (if located on the side of the building, the  
13 accessory building or structure shall be located no closer to the front lot line than the primary  
14 building);

15 Amendment PU9 – 157.223(B) through 157.224(B):

16 Add “sign fabricating” to the I2 and I3 permitted use tables; add a special use provision for  
17 “small scale processing” to the I1 districts

18 Amendment SU5 – 157.223 and 157.224:

19 Include building/infrastructure construction material processing under the Salvage Yard  
20 definition; add (indoor) and (outdoor) to Junk Yard and Salvage yard I2 permitted and special  
21 uses; make indoor uses permitted in I2 and I3; make outdoor uses a special use in I2

22 Amendment SU6 – 157.223(C) and 157.224(C):

23 Add a special use to the I2 and I3 districts to allow gravel parking or display areas

24 Amendment SPR1 – 157.302(C):

25 Change the Site Plan Review Exclusion language to:

26 “Projects of less than 1,000 square feet that do not have sanitary sewer or water facilities and  
27 fire sprinkler systems (including mobile classrooms but excluding gas station canopies or  
28 outdoor eating/drinking areas), shall be exempt from the Site Plan review process. Temporary  
29 construction or temporary sales/leasing facilities that do not have water and sanitary sewer  
30 connections shall also be exempt from the Site Plan review process”

Amendment SC1 – 157.303(C)(2)(b)(ii):

Add “Immediate access shall be frontage on an improved right of way, an alternative access approved by the Fort Wayne Traffic Engineering Department, or an alternative access as approved by the Plan Commission as part of a development plan approval” to the Administrative Approval Required language

Amendment F2 – 157.402(A)(3)(c):

Revise the residential fence and wall standards to remove the reference to “or areas abutting residential districts” and add a prohibition on barbed wire in the nonresidential districts fence and wall standards

1 Amendment OD1 – 157.402(B)(4):

2 Add “(excluding gravel surfaces)” after the three uses of “improved surface” in the Outdoor  
3 Display provisions

4 Amendment OS1 – 157.402(B)(4)(c):

5 Delete “and a solid fence” from the Outdoor Storage provisions; add “and public street rights of  
6 way” to the C2, NC, SC, C3, and C4 Outdoor Storage provisions

7 Amendment HO1 – 157.406(D)(2):

8 Revise the Permitted Home Occupations sentence as follows:

9 “Permitted home occupations shall include but not be limited to the following (provided that no  
10 clients or customers come to the dwelling unit):”

11 Amendment LS1 – 157.408(B):

12 Add the following language to the end of the Applicability provisions: “If there are multiple  
13 screening or buffering standards in the same area (for example, both a building and a parking  
14 area, or a building and an outdoor activity area are adjacent to a residential district), the  
15 standard for the item that is closest to the adjacent property shall apply.”

16 Amendment LS2 – 157.408(D)(1)(b):

17 Change the language to “Screening and buffering materials may be located either on the lot  
18 line, adjoining or within a parking area, or adjoining a building; however, screening and buffering  
19 plants and fencing may be located within a utility easement only if there is no conflict created  
20 with either existing or proposed utility facilities.”

21 Amendment LS3 – 157.408(D)(2)(d):

22 Change the Landscape Code – Buildings and Outside Activity Areas Table by adding a new  
23 “Outside Storage ” provision under the Nonresidential Outside Activity Areas, with an A-3.1  
24 code if adjacent to residential districts, and an A-4 code if adjacent to nonresidential districts.

25 Amendment LS4 – 157.408(D)(1)(b):

26 Change the Code A-3 Table subheading language to “Certain Nonresidential Outside Activity  
27 Areas Adjacent to a Residential district (excluding outdoor storage areas)”

28 Amendment LS5 – 157.408(D)(1)(b):

29 Add a new Code A-3.1 Table for Outside Storage Adjacent to a Residential district; fencing or  
30 landscaping would be required for storage areas adjacent to a Residential district or to a public  
right of way; either a solid fence could be provided, or any type of fence with 75 % evergreen  
tree or large shrub screening could be provided.

Amendment S1 – 157.409(C)(2):

Change the Temporary Signs language to: “The temporary signs listed in the following table are  
permitted subject to the conditions for that type of sign. Unless otherwise noted, only one type  
of temporary sign may be present on a development site at the same time (this limitation shall  
not apply to noncommercial opinion signs). No temporary sign may be mounted on a fence.  
Holiday lighting is not considered signage, and is not subject to the provisions of this §157.409”.

Amendment S2 – 157.409(D)(1)(a):

Clarify the freestanding sign allowances by adding ‘other “public or private” street (excluding  
Interstates’ to the Commercial and Shopping Center District Permanent Sign Standards sign  
table freestanding sign provisions as applicable; allow a freestanding sign per public or private  
street frontage, to a maximum of two signs; allow entrance signs only if the property has over  
500 feet of frontage on a public street; only permit “entrance” sign along the public street  
frontage where the entrance is.

1 Amendment S3 – 157.409(E)(2):

2 Add “To construct a new digital or static billboard sign, expand an existing billboard sign to a  
3 larger billboard sign, or convert an existing non-registered static billboard sign to a digital  
4 billboard sign, the sign shall meet the standards set forth in the table below, and shall also have  
5 provided the sign area removal credits required in the Sign Removal Credits Required for  
6 Billboard Sign Construction or Conversion table (157.409(E)(4)(e))” to the Billboard Sign  
7 Provisions standards

8 Amendment S4 – 157.409(E)(4)(b):

9 Change the changeable copy number to 40 from 32; add the following new provisions to the  
10 Removal of Sign Area Required for Conversion of Existing Billboard to Digital provisions:

- 11 (i) The billboard is registered as set forth in 157.409(E)(3):
- 12 (ii) The billboard is located on a street classified as an Interstate, Other Freeway/Expressway,  
13 Other Principal Arterial, or Minor Arterial street as set forth on the most recently-adopted  
14 Northeast Indiana Regional Coordinating Council Functional Classification System map;
- 15 (iii) The billboard is located in an SC, C3, C4, I1, I2, or I3 zoning district:
- 16 (iv) The billboard is located no closer than 500 feet to another billboard with digital copy area:
- 17 (v) The billboard is located no closer than a 150 foot radial distance from a Fort Wayne AR,  
18 DC, DE, UC, MH, or R district, or a County A, MH, or R district:
- 19 (vi) The size and height of the billboard are not increased: and
- 20 (vi) Existing billboard area is removed and sign removal credits are presented pursuant to this  
21 §157.409(E)(4).

22 Delete the existing (i) through (iii) provisions; change the 32 square feet in the Removal of  
23 Existing Sign Area to 40 square feet

24 Amendment S5 – 157.409(E)(4)(e):

25 Add “For two-sided signs, credits shall only be issued based on the area of one of the sign  
26 faces.” to the end of the Number of Sign Removal Credits Issued paragraph

27 Amendment S6 – 157.409(E)(4)(e):

28 Add the “Downtown” area to the Type of Signage Square Footage Removal table in the Number  
29 of Sign Removal Credits Issued provisions

30 Amendment S7 – 157.409(E)(4)(f):

Replace the existing table with the new simpler table that was created for the Sign Removal  
Credits Required for Billboard Sign Construction or Conversion provisions

Amendment S8 – 157.409(E)(4)(g):

Change the Map of Downtown/Gateway Area for Purposes of Sign Removal Credits provision to  
“For purposes of applying the tables in §157.409(E)(4)(e) and §157.409(E)(4)(f), the  
Downtown/Gateway area is:”

Amendment S9 – 157.409(F)(10):

Delete the Nonconforming Signs provision 157.409 (d)/(D)

Amendment S10 – 157.409(F)(10):

Clarify the re-use of existing nonconforming non-billboard sign structures by adding new (i), (ii),  
and (iii) provisions to the General Provisions Nonconforming Signs language (c) stating that:

- If the sign is covered, it can be re-used;

- 1
- If the cabinet is removed, a new cabinet can be placed provided the cabinet complies with the current square footage limitation
  - If the pole is removed then the entire sign has to be brought into compliance

2

3 Amendment FP1 – 157.412 (these provisions will be repealed and replaced):

4 Update and align based on DNR visit, FEMA required revisions, and staff discussion:

- 5
- Change the General Provisions “Basis for Establishing Regulatory Data” (157.412(A)(8)) second sentence to “If a party disagrees with the best available data, the party needs to replace the existing data with data based on a detailed engineering study and submit it to the Indiana Department of Natural Resources for review and approval”
  - Add “including improvements or enlargements to nonconforming buildings and structures, or other DNR approved buildings and structures, as permitted in 157.412(G)(8)(c)” to the Floodway Permitted and Prohibited Uses Permitted Uses
  - Add “Graham McCulloch Ditch, [Junk Ditch], and Little River [floodplain]” to 157.412(B)(2)(n)
  - Change the Floodway Permitted and Prohibited Uses Prohibited Uses language to “Any encroachments, including buildings, structures, and fill, except for:
    - 6
    - 7
    - 8
    - 9
    - 10
    - 11
    - 12 (a) Buildings, structures, and fill approved by the Indiana Department of Natural Resources;
    - 13 (b) Fill needed for public flood control improvement projects, including dikes and levees;
    - 14 (c) Public transportation facilities;
    - 15 (d) Utility collection or transmission lines.
  - Add “non compensatory storage” to the 40 yards of fill special use language
  - Add “that does not constitute substantial improvement” to 157.412(G)(8)
  - Change “letters of recommendation” references to “Floodplain Analysis and Regulatory Assessment”
  - Add “Maintain and track permit records involving additions and improvements to residences located in the floodway” to the Administration “Duties” provisions
  - Add dates to set forth what structures shall be considered nonconforming (September 28, 1990)
  - Update the “Nonconforming Buildings, Structures, and Uses” provisions to:
    - 16
    - 17
    - 18
    - 19
    - 20
    - 21
    - 22 Nonconforming Buildings and Structures
      - 23 (a) Any building or structure existing as of September 28, 1990 that does not conform to this section shall be considered a nonconforming building or structure.
      - 24 (b) Any nonconforming building or structure which is not in the floodway may be enlarged or improved at the existing grade and floor elevations, provided the addition or improvement does not constitute substantial improvement. Completion of the addition or improvement must be completed within 24 months from the date of the permit.
      - 25
      - 26
      - 27 (c) Any nonconforming building or structure in the floodway may be enlarged or improved at the existing grade and floor elevations, provided the addition or improvement does not constitute substantial improvement, and the addition or
      - 28
      - 29
      - 30

1 improvement has been granted a permit from the Indiana Department of Natural  
2 Resources. Only one permit for an addition or improvement per building or structure  
3 is authorized by this ordinance. Completion of the addition or improvement must be  
4 completed within 24 months from the date of the permit.

- 5 • Update the Floodplain Management definitions of "Flood, Regulatory" and  
6 "Manufactured home" as requested by the INDR
- 7 • Correct the citation errors in both ordinances (per the Indiana Department of Natural  
8 Resources 4/10 email to staff)

9 Amendment ADMIN2 – 157.502(E)(4)(f):

10 Add a new (f) to the Plan Commission "Powers and Duties" provisions stating that "The  
11 Commission has adopted an administrative manual and shall update it as needed to implement  
12 this Chapter"

13 Amendment ADMIN3 – 157.503(B)(1):

14 Add the following language as a new (b) to this provision: "No Improvement Location Permit  
15 shall be issued for construction that would encroach over a platted front or rear building line,  
16 unless the applicant documents that the restrictive covenants for the subdivision allow such an  
17 encroachment. This prohibition shall also apply to all non-allowed construction that does not  
18 require an Improvement Location Permit".

19 Amendment ADMIN4 – 157.503(B)(1)

20 Add the following language as a new (d) to this provision: "No Improvement Location Permit  
21 shall be issued for construction that would encroach into a corner visibility area as defined  
22 herein. This prohibition shall also apply to construction that does not require an Improvement  
23 Location Permit".

24 Amendment ADMIN5 – 157.503(B)(8)(a)(i):

25 Add the following language as a new (ii) to the Administration Procedures ILP Validity and  
26 Revocation provisions: "(ii) If work on the construction project is not completed within eighteen  
27 (18) months of the issuance of the permit, unless a request to extend the validity of the permit is  
28 submitted prior to the expiration of the eighteen (18) months; this provision shall not apply to  
29 Site Plan review Improvement Location Permits," and renumber the other provisions.

30 Amendment ADMIN6 – 157.503(B)(10):

Add the following language to the Improvement Location Permit Certificate of Use paragraph: "A  
new outside storage area which does not otherwise require an Improvement Location Permit  
shall require an Certificate of Use".

Amendment SU7 – 157.503(D)(1)

Add the Floodplain Flood control improvement project/non-permitted fill, private Special Use to  
the Special Use table

The Nonconforming Situations section (157.504) is being repealed and replaced:

Amendment NS 1 – 157.504

Generally remove the terms "legal" and "legally" from the Nonconforming Situations section

Amendment NS 2 – 157.504(B)

Change "as of March 1, 1955" to "prior to April 3, 2014" in the Nonconforming Lots provision

Amendment NS 3 – 157.504(C)(1)

1 Change the Nonconforming Uses Continuation provision to "Except as otherwise provided in  
2 this section, a use that existed as of March 2, 1998,..."

3 Amendment NS 4 – 157.504(B)

4 Add the following provisions from the Allen County Nonconforming Use Expansion of Use  
5 language as a new (b) and (c) to the FW Expansion of Use provisions:

- 6 (b) A nonconforming use may be expanded or extended into any other portion of the  
7 structure that existed at the time the nonconforming use was established; and
- 8 (c) A nonconforming use on a part of a lot that is not inside a building shall not be  
9 expanded or extended into any other portion of such lot; except that an agricultural  
10 operation that existed legally under the Allen County Zoning Ordinance and then was  
11 annexed into the City of Fort Wayne into an AR zoning district, shall be permitted for the  
12 same type of agricultural activity on any part of the original lot, subject to the maximum  
13 numbers of animals limitations of a low intensity agricultural livestock operation.

14 Amendment NS 5 – 157.504(C)(1)

15 Change the Nonconforming Buildings or Structures Continuation provision to "Except as  
16 otherwise provided in this section, a nonconforming building or structure that existed as of  
17 March 2, 1998,..."

18 Amendment NS 6 – 157.504(C)(2)

19 Update the Fort Wayne Additons or Enlargement of Buildings or Structures provisions by  
20 reordering the provisions based on residential versus nonresidential, and based on the order of  
21 the zoning districts; such that the provisions would be in order of (b); (e); (c); (f); (g); (d); (a).

22 Amendment NS 8 – 157.504(D)(3)

23 Add "Reconstruction" to the Nonconforming Buildings and Structures Maintenance subheading;  
24 change "March 2, 1998" to "April 3, 2014"; move the reconstruction paragraph from the  
25 Restoration of Damaged Building or Structure provisions to here

26 Amendment NS 9 – 157.504(E)

27 Delete the Site Features heading under the Other Non-Conforming Situations subsection; re-  
28 order the other provisions as needed

29 Amendment NS 10 – 157.504(E)(1)(c)

30 Delete the "Parking for Religious Institutions" language from the Other Nonconforming  
Situations provisions

Amendment NS 11 – 157.504(E)(1)(c)

Change "Certificate of Compliance" to "Certificate of Use" in the Reversion of Use provisions;  
move the Certificate of Use sentences into the main Reversion of Use paragraph

Amendment NS 12 – 157.504(F)(2)(b)

Delete the "which determination may be appealed to the Board in accordance with the Board's  
procedures" clause from the Restoration of Damaged Building or Structure provisions

Amendment NS 13 – 157.504(G)

Add "The Zoning Administrator shall review the submitted information and make a determination  
as to the validity of the nonconforming use." to the "Documentation" provisions.

Amendment DEF2 – 157.506(B):

Add "Where permitted, only one freestanding or integrated accessory dwelling unit shall be  
allowed per property" to the definition of Accessory Dwelling Unit

1 Amendment DEF3 – 157.506(B):

2 Revise the animal kennel definition to “An establishment where dogs or cats are temporarily  
3 boarded for a fee. The term shall also include the keeping of more than five dogs, more than  
4 seven cats, or more than seven dogs and cats.”

4 Amendment DEF4 – 157.506(B):

5 Change the definition of “Animal Service” to “Uses related to the provision of medical services,  
6 treatment, boarding, and other similar services to animals, including animal grooming, animal  
7 hospitals, animal kennels, animal obedience schools, and veterinary clinics”.

6 Amendment DEF5 – 157.506(B):

7 Add the following definition of “apiculture” to the Definitions subchapter; “The raising and care of  
8 bees (beekeeping); this definition shall also include the on-site sale of honey”

8 Amendment DEF6 – 157.506(B):

9 Add the following definition of “asphalt plant” to the Definitions subchapter; “A facility that  
10 specializes in the mixing of or other related activities required for the production of asphalt.”

10 Amendment DEF7 – 157.506(B):

11 Change the definition of “Automobile Service, General” to “Uses related to the maintenance or  
12 repair of automobiles which are more intensive than those uses permitted as Limited  
13 Automobile Services, and similar automotive-related uses, including automobile auctions,  
14 automobile body shops, automobile detailing or trim shops, automobile maintenance (quick  
15 service), automobile rental (outdoor), automobile repair, automobile restoration, automobile  
16 rustproofing/undercoating, automobile sales (outdoor), automobile washing facility, gas station,  
17 taxi service, tire sales, towing service, truck fueling station, and truck stop”.

15 Amendment DEF8 – 157.506(B):

16 Change the definition of “Automobile Service, Limited” to “Uses related to the minor  
17 maintenance or repair of automobiles, and similar automotive-related uses, including  
18 automobile accessory store; automobile rental (indoor only), and automobile sales (indoor  
19 only)”.

18 Amendment DEF9 – 157.506(B):

19 Change the definition of “building” to: “An enclosed structure (typically having a roof supported  
20 by walls). A carport, deck, gazebo, and open porch shall not be considered buildings”.

20 Amendment DEF10 – 157.506(B):

21 Add that multiple tenant buildings are permitted to the definition of building, primary: “If a single  
22 primary nonresidential building is permitted in a nonresidential zoning district, then a single  
23 multiple tenant building shall also be permitted; where multiple primary nonresidential buildings  
24 are permitted in a nonresidential zoning district, then multiple multiple-tenant buildings shall also  
25 be permitted”

23 Amendment DEF11 – 157.506(B):

24 Add “In calculating the square footage of a residential primary building, all enclosed areas,  
25 including attics, basements, and attached garages, shall be included” to the definition of  
26 “Building, primary”

26 Amendment DEF12 – 157.506(B):

27 Add the following definition of “Child Care Ministry” to the Definitions subchapter: “Child care  
28 operated by a church or religious ministry that is a religious organization exempt from federal  
29 income taxation under Section 501 of the Internal Revenue Code.”

1 Amendment DEF13 – 157.506(B):

2 Revise the definitions of “Clinic” and “Treatment Center” to clarify the difference between the  
3 two uses

4 Amendment DEF14 – 157.506(B):

5 Add the following definition of “Clothing” to the Definitions subchapter: “Commercial uses  
6 related to the alterations, sales, and related sales or services for clothing and similar items,  
7 including apparel and accessory store, clothing store, consignment shop, costume and clothing  
8 rental, diaper service facility, dry cleaning store, furrier, laundromat/coin operated laundry, shoe  
9 store/shoe repair shop, and tailor/alterations service.”

10 Amendment DEF15 – 157.506(B):

11 Change the definition of “Community Facility” to the following: “Buildings, structures, or facilities  
12 owned, operated, or occupied by a non-profit, for-profit, or governmental entity to provide a  
13 service to the public, including broadcast studio, correctional services facility, museum,  
14 neighborhood facility, planetarium, public transportation or similar public facility, radio station,  
15 television station, or zoo.”

16 Amendment DEF16 – 157.506(B):

17 Add the following sentence to the definitions of “Dwelling, Single Family (Detached)”, “Dwelling,  
18 Single Family (Attached)”, and “Dwelling, Two Family”: “Each dwelling shall have a minimum of  
19 950 square feet of gross floor area, not including attached garage space”

20 Amendment DEF17 – 157.506(B):

21 Add the following definition of “Electronics” to the Definitions subchapter: “Commercial uses  
22 related to the sales, repair, and related services for consumer electronic equipment, including  
23 computer sales and service; computer software store; consumer electronics sales and service;  
24 and telephone sales and service.”

25 Amendment DEF18 – 157.506(B):

26 Update the definition of fence to make clear what construction will not be considered to be a  
27 fence; add “excluding a single strand of rope, wire, or similar material between no more than  
28 two posts; parking lot wheel stops; and similar barriers/partitions that are less than 12 inches  
29 high.”

30 Amendment DEF20 – 157.506(B):

Update the Floodplain definitions for “Flood, Regulatory” and “Manufactured Home”

Amendment DEF21 – 157.506(B):

Change the definition of “Food and Beverage Service” to the following: “Commercial uses  
related to the sales, preparation, and related services for food and/or beverage items for  
consumption on or off the lot, including: bakery goods; bar or tavern; caterer; club (private);  
coffee shop; confectionery, ice cream, or candy store; convenience store; delicatessen; farmer’s  
market (including outdoor sales); fruit and/or vegetable store (indoor); grocery store or  
supermarket; meat or fish market; micro or mini-brewery/brewpub; package liquor store;  
reception/banquet hall (indoor); restaurant, including drive-through facilities; sandwich shop;  
and tea room.”

Amendment DEF22 – 157.506(B):

Change the definition of “greenhouse” to: “An establishment, including a building, part of a  
building or open space, for the growth, display and/or sale of plants, trees, and other materials  
used in indoor or outdoor planting for retail and wholesale sales.”

1  
2 Amendment DEF23 – 157.506(B):

3 Change the definition of "Instruction/Training/Education" to the following: "An establishment,  
4 other than an elementary or junior high school, senior high school, or college/university, offering  
5 instruction or training in a trade, art, skill, or occupation, including art instruction, barber/beauty  
6 school, business training, computer training, craft instruction, dance instruction, driving  
7 instruction, educational institution, gymnastics instruction, martial arts training, medical training,  
8 music instruction, photography training, and yoga/Pilates instruction."

9 Amendment DEF24 – 157.506(B):

10 Update the definition of "Junk Material" to include building /infrastructure construction materials

11 Amendment DEF25 – 157.506(B):

12 Add "including private streets" to the end of the definition of "Lot, Through"

13 Amendment DEF26 – 157.506(B):

14 Change the definition of "Medical Facility or Office" to the following: "A facility for the medical  
15 examination and treatment of human outpatients, provided that patients are not kept overnight  
16 except under emergency conditions, including audiologist, blood bank, blood or plasma donor  
17 facility, chiropractor, clinic, dentist, diagnostic center, dialysis center, doctor, health center,  
18 hospice care center, hospital, laboratory, nursing home, ophthalmologist, optician, optometrist,  
19 physical therapy facility, podiatrist, rehabilitation facility, sleep disorder facility, surgery center,  
20 and treatment center."

21 Amendment DEF27 – 157.506(B):

22 Change the definition of "Multiple Family Complex" to the following: "A grouping of two or more  
23 multiple family structures; also, a project with three or more single family structures, or two or  
24 more two family structures, on a single lot."

25 Amendment DEF 28 – 157.506(B):

26 Change the definition of "Outdoor Activity Area" to the following: "For the purposes of the  
27 landscape standards, the use of an area for outside activities by a nonresidential use, such as  
28 dumpsters, loading areas, mechanical equipment, outside eating/drinking areas, and outside  
29 storage areas."

30 Amendment DEF 29 – 157.506(B):

Change the definition of "Personal Services" to the following: "An establishment that primarily  
engages in providing services generally involving the care of the person or his or her personal  
goods or apparel, including adoption service, adult care center, bankruptcy service, barber  
shop, beauty shop, bookkeeping service, child care center, clothing alterations, collection  
agency, consulting service, correctional services facility, copy/duplicating service, counseling  
service, credit service, customer service facility, dating service, day care, day spa, embroidery,  
employment agency, finance agency, financial planning service, fitness center, funeral home,  
health club, investment service, legal service, massage therapy, nail salon, nutrition service,  
security service, social service agency, tailor, tanning salon, travel agency, tutoring service,  
wedding consultant, and weight loss service."

Amendment DEF30 – 157.506(B):

Add the following definition of "Professional Office/Business Service" to the Definitions  
subchapter: "An establishment where the business of a commercial/professional organization or  
a professional person is conducted, or which engages in providing services to such an

1 organization or person, including accountant, advertising, answering service, appraiser,  
2 architect, attorney, auction service, bank, bookkeeping, broker, credit union, data processing  
3 facility, data storage facility, engineer, foundation office, graphic design service, insurance  
4 agency, interior design service, internet/web site service, land surveyor, loan office, marketing  
5 agency, mortgage service, planner, realtor, savings and loan, stock and bond broker, tax  
6 consulting, and title company.”

7 Amendment DEF31 – 157.506(B):

8 Change the definition of “Recreation, General” to the following: “A commercial use that provides  
9 indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including  
10 amusement park, athletic field, arena, batting cages, betting or other gambling facility, country  
11 club, entertainment facility, golf course (miniature), golf driving range, go-kart facility, haunted  
12 house, recreation uses, riding stable, skating rink, stadium/race track, swim club, tennis club,  
13 and theater.”

14 Amendment DEF32 – 157.506(B):

15 Change the definition of “Recreation/Tourism, Limited” to the following: “A commercial use that  
16 provides indoor amusement, entertainment, recreation, or sport for consumers, including  
17 arcade, billiard or pool hall, bingo establishment, bowling alley, dinner theater, entertainment  
18 facility, haunted house, hotel, motel, skating rink, swim club, tennis club, and theater.”

19 Amendment DEF33 – 157.506(B):

20 Add “Boarding House” to the definition of “Residential Facility, General”

21 Amendment DEF34 – 157.506(B):

22 Add the following definition of “Retail, Limited” to the Definitions subchapter: “A facility or area  
23 for the retail sale of certain items, merchandise, or products to the general public. This use  
24 includes air conditioning sales, appliance store, antique shop, artist material and supply store,  
25 art gallery, bicycle sales and repair shop, book store, card and stationary store, catalog  
26 showroom, cigarette/tobacco/cigar store, clock, watch, and jewelry sales/repair, coin shop,  
27 consignment shop, cosmetic store, craft gallery, craft supply store, department store, drug store,  
28 fabric shop, farmer’s market, fireworks sales (indoor), flea market (indoor), floor covering store,  
29 florist, furniture store, gift shop, glass cutting/glazing shop, hardware store, home  
30 accessory/improvement store, home improvement business, household appliance store, heating  
sales, hobby shop, interior decorating store, leather goods or luggage store, medical supply  
sales, movie and game sales/rental, music store, musical instrument store, paint store, pet  
store, pharmacy, photographic supply store, picture framing facility, pottery sales, rental and/or  
leasing store (including furniture, office equipment, or party supplies), sign sales store, sporting  
goods sales and rentals, toy store, variety store, and window sales.”

Amendment DEF35 – 157.506(B):

Change the definition of “Retail/Service, General” to the following: “A facility or area for the  
indoor or outdoor retail sale of items, merchandise, or products to the general public. This use  
includes agricultural equipment sales, agricultural equipment service, agricultural supply sales,  
air conditioning service, auction hall, automobile auction, boat/watercraft sales, check cashing,  
engine repair, equipment rental (limited), equipment service, exhibit hall, exterminator, feed  
store, fireworks sales, flea market, fruit and vegetable sales, furniture refinishing/repair, garage,  
garden equipment supply, greenhouse, gun sales, heating service, home improvement store,  
manufactured home sales, motor vehicle rental, motor vehicle sales, pawn shop, pest control,  
plant nursery, plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled  
gas sales and service, shooting range (indoor only), storage shed sales, taxidermist, trade show  
facility, warehouse/storage facility, and window repair.”

1 Amendment DEF36 – 157.506(B):

2 Add “building/infrastructure construction material processing” to the Salvage Yard definition

3 Amendment S11 – 157.506(B):

4 Add the following definition of “Sign, Drive-Through” to the Definitions subchapter: “A sign, as  
5 defined herein, erected for and used in conjunction with a commercial use which conducts  
6 business exchanges with clients who drive up to a window and remain in their automobiles.  
7 Drive-through signs shall include menu boards and other signage relating to services available  
8 at the service window(s)”

9 Amendment S12 – 157.506(B):

10 Delete “to the back of” from the definition of “Sign, Mobile”

11 Amendment S13 – 157.506(B):

12 Change the definition of “Sign, Noncommercial Opinion” to: “A sign that expresses an opinion or  
13 other point of view, and does not contain information or advertising for any business, product,  
14 good, service, entertainment, or other commodity. A sign that meets the definition of “sign”,  
15 including an on-premise sign or and off-premise sign, shall not be considered a noncommercial  
16 opinion sign. A political sign shall be considered to be a noncommercial opinion sign”

17 Amendment DEF37 – 157.506(B):

18 Change the definition of “Special Event” to the following: “Short term events connected to  
19 activities such as business openings or special sales; civic, education, philanthropic, religious  
20 institution, or similar group fund drive, campaign, or other activity; fairs, carnivals, circuses, or  
21 festivals.”

22 Amendment DEF38 – 157.506(B):

23 Change the definition of “Studio” to the following: “An area or facility used for the  
24 production/creation of or instruction in art, crafts, music, painting, photography, sculpture, or  
25 similar activities.”

26 Amendment DEF39 – 157.506(B):

27 Add the following definition of “truck fueling station” to the Definitions subchapter: “A facility  
28 where gas and other supplies are sold, where the gas dispensing facilities are designed to  
29 primarily service semi-trailer or tractor trailer truck vehicles. A truck fueling station would not  
30 offer accessory uses such as overnight accommodations, shower facilities, or restaurant  
facilities. A truck fueling station may include a convenience store. For the purposes of  
determining permitted uses, a compressed natural gas fueling station shall be considered a  
truck fueling station.

Amendment DEF40 – 157.506(B):

Add “(including an open fence of up to 4 feet in height, which shall meet the front primary  
building setback, or an ornamental fence subject to the standards herein)” to the Universally  
Permitted Use community garden provision; delete “excluding structures” from that provision

Amendment DEF41 – 157.506(B):

Add “an open fence of up to 4 feet in height, which shall meet the front primary building setback,  
or an ornamental fence subject to the standards herein, in conjunction with a vacant lot, or an  
existing or proposed primary use parking area” to the Universally Permitted Use provision

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Amendment DEF42 – 157.506(B):

Add "private garden (including an open fence of up to 4 feet in height, which shall meet the front primary building setback, or an ornamental fence subject to the standards herein)" to the Universally Permitted Use provision; clarify off-site parking area language in these provisions

Amendment DEF43 – 157.506(B):

Change the definition of "Warehouse and/or Distribution Facility" to the following:

"Warehouse/Storage Facility: A facility for the storage of products, supplies, and equipment, including a self-service storage (mini-warehouse) facility."


Amendment T1 – Various locations in the ordinance:

Replace the term "premise" and "premises" with "lot" outside of the sign regulations and the sign definitions

Amendment T2 – Various locations in the ordinance:

Replace the terms "private sewage disposal system" with "onsite sewage system" and "private sewage disposal" with "onsite sewage system" in the applicable residential districts development standards tables

SECTION 1. That this Ordinance shall be in full and effect from and after its passage and any and all necessary approval by the Mayor. force

  
Council Member

APPROVED AS TO FORM AND LEGALITY

  
Carol Helton, City Attorney

# DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE  
200 EAST BERRY  
FORT WAYNE, IN 46802

260-449-7607  
260-449-7682  
WWW.ALLENCOUNTY.US

## MEMORANDUM

---

To: Fort Wayne Common Council members  
From: Pat Fahey  
Date: September 2, 2014  
RE: Zoning Ordinance Technical Amendment  
(Bill Number G-14-07-16; ZORD-2014-0001)

---

I am sending this to let you know that the Fort Wayne zoning ordinance technical amendment will be on your agenda for discussion and possible passage on Tuesday, September 9<sup>th</sup>.

During Clarion's work on the replacement zoning ordinances, Don Elliott consistently brought up the fact that once the ordinances were adopted and used by the community and by staff, there would be issues that would come up with the language; it would be determined that there would be items that had been missed; and misspellings and similar errors in the documents would be found. That has proven to be the case, as staff has identified non-substantive issues and items in the following areas:

- 1) Correcting areas of non-alignment between the two zoning ordinances;
- 2) Add items that were omitted from the ordinances; and
- 3) Clarify language that is not clear based on the use of the ordinances so far.

The Fort Wayne Plan Commission recommended approval of this amendment at their August 18<sup>th</sup> business meeting. The proposed amendments as recommended by the Plan Commission are listed in the attached summary. The summary shows which pages will be affected in the ordinance. A redlined version of the zoning ordinance showing the proposed amendments is on the DPS website. The amendment language has been revised since its introduction on July 22<sup>nd</sup>; a copy of the revised version of the proposed amendments will be distributed at the Council meeting. For the most part, these amendments will be made to both the Fort Wayne and Allen County zoning ordinances; the summary indicates which amendments affect only one ordinance. The County Plan Commission recommended approval of the County zoning ordinance amendments at their August 21<sup>st</sup> business meeting.

The effective date of these amendments is proposed to be January 1, 2015.

Please email or call me if you have any questions on this.

Dear Honorable Members of the Fort Wayne City Council,

Burkhart Advertising, Inc., with offices at 4511 Executive Blvd. in Fort Wayne, would like to offer our support for two simple amendments to the proposed zoning. These changes would create a true "Cap and Replace" system that would incentivize outdoor advertisers to reduce sign clutter and provide opportunities for investment in new technologies. In addition, these amendments would make the Fort Wayne ordinance virtually identical to the Allen County ordinance that was considered Friday by the County Commissioners (helping to achieve the goal of uniformity).

Please see the attached documents for the specific amendments (in BLUE). The sections involving the proposed amendments are 157.409 (E)(1) and 157.409 (E)(4)(f). The first set of documents attached are these two specific sections isolated from the overall document with two amendments highlighted in BLUE. The second set of documents is the "Redline" version of the proposed ordinance highlighting the Plan Commission's most recent changes in RED (again, the proposed amendments are in BLUE). And finally, the third set of documents is the "clean" version of the ordinance with the proposed amendments in BLUE.

As a quick summary of the amendments, new signs or sign conversions would still be prohibited in downtown and along the Airport Expressway. However, opportunities for investment in digital conversion and new signage would be allowed in other areas if sign companies "traded in" signs (on a sliding scale that would incentivize sign clutter removal in downtown and along Gateways).

Without these amendments, Fort Wayne will not achieve its goal of sign clutter reduction in the city (Gateways, Downtown, or anywhere else) as all existing signage will remain in place for the long term future. With these amendments, outdoor advertisers will be incentivized to remove signs at a greater rate than they will be permitted to convert signs or build new structures, resulting in an overall decrease in signage and sign clutter in the city.

Thank you again for your time and consideration,



Gavin Ferlic  
Vice President of Corporate Affairs  
Burkhart Advertising, Inc.

Also, please amend (E)(4)(b)(ii) to read:

The existing billboard is located outside of the  
DE and DC zoning districts

Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Mitch Harper  
Read the second time by title and referred to the Regulations Committee  
Committee. Read the third time in full and on motion by Councilman  
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 9-9-14 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. 6-20-14 on the 9<sup>th</sup> day of  
September, 2014

ATTEST:  
Sandra E. Kennedy SANDRA E. KENNEDY, CITY CLERK  
Michael A. Bender PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10<sup>th</sup> day  
of September, 2014, at the hour of 4:00 o'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11<sup>th</sup> day of September  
2014, at the hour of 2:00 o'clock PM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. G-14-07-16**

**REPORT OF COMMITTEE ON REGULATIONS**

**SEPTEMBER 9, 2014**

*Mitch Harper, Chair  
Thomas Didier, Co-Chair  
All Council Members*

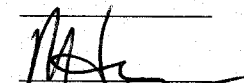
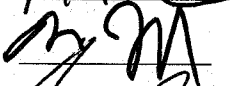
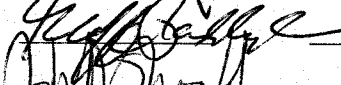
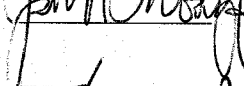
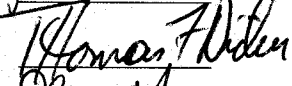
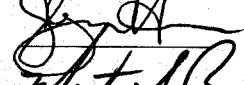

**AN ORDINANCE** amending Chapter 157 of the City of Fort Wayne Municipal Code.  
(Zoning Ordinance) **COMMITTEE ON REGULATIONS HAVE HAD SAID**  
Ordinance under consideration and beg leave to report back to the Common Council  
that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**SANDRA E. KENNEDY  
CITY CLERK**