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#ZORD-2017-0001

BILL NO. G-17-10-02

ORDINANCE NO. *67-28-17*

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 157.101 through 157.122 (General Provisions); 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 Amendment AN1 – 157.106:

2 Clarify the Annexation language as proposed by BZA/PC Attorney Bob Eherenman to add
3 specific language to deal with pre-annexation County Board of Zoning Appeals and Hearing
4 Officer approvals, County Plan Commission approvals, Improvement Location Permits, Zoning
5 Violations, Nonconforming Uses, Written Commitments, and Covenants

6 Amendment TP1 – 157.121:

7 Clarify the Transitional Provisions and Vested Rights language by changing “the effective date
8 of this ordinance” to “April 3, 2014”

9 Amendment AS1 – 157.203(D) through 157.224(D):

10 Clarify the Universally Permitted Accessory Buildings, Structures, and Uses table by adding “the
11 integrated accessory dwelling unit shall be at least 300 square feet”

12 Amendment PU1 – 157.203(E):

13 Clarify the number of buildings permitted on a lot language by revising it to “Two freestanding
14 single family dwelling units are permitted: one primary single family detached residential
15 building per lot, plus: one freestanding accessory dwelling unit, if there is no integrated
16 accessory dwelling unit on the lot

17 Amendment SU1 – 157.206(C):

18 Add the Temporary Subdivision Direction Sign Special use from the AR district to all of the other
19 zoning districts

20 Amendment DEF13 – 157.203(E)(1) through 157.210(E)(1):

21 Clarify the minimum lot width requirements by updating the residential districts lot development
22 standards table lot width provisions

23 Amendment DS1 – 157.203(D) through 157.224(D)::

24 Clarify the fence location standards by adding “except for fences and walls” to the second
25 corner lot bullet point; and adding wall/retaining wall to the third corner lot bullet point; update
26 the fence and wall/retaining wall provisions in the Additional Yard Location and Yard Projection
27 standards table

28 Amendment DS2 – 157.208(E)(1) and 157.209(E)(1):

29 Clarify the multiple family complex perimeter setback standard by adding “building” to the R3
30 and RP Development Standards tables

Amendment DS3 – 157.208(E)(1) and 157.209(E)(1):

Clarify the multiple family complex building separation standards by creating separate standards
for multiple family, condominium, and townhouse buildings in the R3 and RP Development
Standards tables

Amendment PU2 – 157.212(B):

Remove the “1” footnote from the C1 Use Categories table

Amendment SU2 – 157.212(C):

Clarify the Retail (neighborhood) C1 Special Use by revising the language to state that this
special use shall only be permitted to allow for the conversion of an existing building and will not
allow drive through facilities; delete the word “neighborhood”

1 Amendment DS4 – 157.208(E)(1):

2 Clarify the C1 Front Yard standards by changing the nonconforming standard to “A new primary
3 building or an addition to an existing primary building may meet the smallest existing
4 nonconforming setback”

5 Amendment DS5 – 157.208(E)(1):

6 Resolve the conflict between the R3 and RP Permitted Uses and Development Standards
7 tables by adding “multiple primary buildings shall be permitted if approved by the Plan
8 Commission as part of a development plan” to the development standards table language

9 Amendment PU3 – 157.219(B):

10 Clarify the DE Permitted Uses table by adding “dwelling, two family” to the permitted uses;
11 include footnote (2)

12 Amendment PU4 – 157.221(B):

13 Clarify the BTI Permitted Uses table by adding “professional office and research facility” to the
14 permitted uses

15 Amendment PU4 – 157.223(B) and 157.224(B):

16 Clarify the I2 and I3 Permitted Uses table by adding limited and general equipment rental to the
17 permitted uses

18 Amendment DP1 – 157.303(B)(1):

19 Clarify the provisions for when a development plan is required by changing the language to
20 “Projects involving multiple buildings on a single lot or development site”

21 Amendment AU1 – 157.402(A):

22 Clarify the Parking and Vehicle Storage language by dividing the language into Permitted
23 vehicle storage and prohibited vehicle storage; also, update the definition of motor vehicle to
24 add “golf cart”, “lawn mower” and “lawn implements”

25 Amendment OS1 – 157.402(B)(4)(c):

26 Clarify the portable storage provisions of the Outdoor Storage language by adding “Portable
27 storage containers used for accessory outdoor storage, if used for over 120 days, shall only be
28 permitted in the C3, C4, I1, I2, and I3 districts, and shall meet the applicable provisions for
29 outdoor storage in this chapter.”

30 Amendment TS1 – 157.403:

Clarify the title of this Section by adding the word “Buildings” to the title

Amendment TS2 – 157.403(A):

Clarify the portable storage provisions of the Temporary Accessory Structures language by
adding “A temporary storage or similar structure, including a portable storage container, shall be
permitted in a residential district for up to 90 days without a certificate of use; if the applicant
obtains a certificate of use then the structure may be permitted up to 120 days.”

Amendment TS3 – 157.403(E):

Clarify the temporary tent provisions by adding “a temporary tent shall only be permitted on a lot
with an existing primary building, and shall only be permitted for a use that is permitted in the
district where the tent is to be located” to the language; align the language with the Board of
Health’s standards by changing the ten day time limit to 14 days.

1 Amendment DDS1 – 157.404(N)(1) and (2):

2 Clarify the Pedestrian Circulation provisions of the Development Design Standards by adding
3 “required and” before “existing” in 157.404 (N)(1) and change 157.404(N)(2) to “including all
4 development proposed as part of a primary development plan since April 4, 2014”.

5 Amendment DDS2 – 157.404(N):

6 Clarify the Pedestrian Circulation provisions of the Development Design Standards by adding “if
7 engineering plans have been approved for the trail” to 157.404(N)(1)(c)

8 Amendment DDS4 – 157.404(U):

9 Clarify the Vehicle Circulation and Streets provisions of the Development Design Standards by
10 adding the language drafted by Bob Eherenman for interconnections for development plans and
11 major subdivision plats

12 Amendment DDS5 – 157.213(C):

13 Clarify the commercial permitted uses general language by replacing the word “existing” gravel
14 surface with “permitted” gravel surface

15 Amendment DSW1 – 157.405(C):

16 Clarify the Height Standards Exceptions provisions by adding “antennae (freestanding or
17 building mounted)” to the Amateur radio towers language

18 Amendment DSW2 – 157.405(C):

19 Clarify the Height Standards Exceptions provisions by adding “(residential), including radio
20 antennae (freestanding or building mounted)” to the Television aerials language

21 Amendment PARK1 – 157.407(D):

22 Update the uses exempted from the off-street parking requirements by adding “Airport”

23 Amendment LS1 – 157.408(D)(2)(c):

24 Update the Landscape Standards Specific Standards and Requirements by adding “except that
25 in the DC, DE, and UC districts refuse dumpsters shall not have a minimum setback” to the
26 refuse dumpster standards

27 Amendment S1 – 157.409(D)(1)(a):

28 Update the General Sign Standards by clarifying the Electronic Message Center language for
29 BZA approved uses.

30 Amendment S2 – 157.409(D)(1)(a):

Update the General Sign Standards by adding “neighborhood” to the existing Subdivision
entrance sign language; change heading to “Subdivisions (primary signage)”

Amendment S3 – 157.409(D)(1)(a):

Update the General Sign Standards by adding a provision for smaller non-illuminated auxiliary
subdivision signs

Amendment S4 – 157.409(D)(2)(h):

Resolve the conflict between the window/wall signs general provision and the specific wall sign
provisions by adding “window signs are not permitted in the DC, DE, and UC districts.”

Amendment S5 – 157.409(F)(4)(b):

Resolve the conflict between the billboard provisions and the general sign maintenance
provisions by adding “(see §157.409 (E)(3)(b) for Billboard Sign maintenance provisions)” to the
general sign maintenance provisions

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Amendment S6 – 157.409(F)(8)(c):

Resolve the inconsistency between the Sign height language in the Sign Measurement provisions and the definition of sign height by updating the language to “Sign height shall be determined by measuring the distance between the lowest grade level within two feet of either side of the base of the sign, and the highest part of the sign or its supporting structure.”

Amendment BZA1 – 157.502(D):

Accommodate the recent Court cases that have stated that the BZA may impose a greater standard where the ordinance has specific standard, based on evidence submitted at the hearing by adding language allowing this to the Board’s Powers and Duties provisions

Amendment ILP1 – 157.503(B)(1):

Clarify the Improvement Location Permit General Provisions language by adding language that allows an incomplete non-Site Plan review ILP to be voided

Amendment ILP2 – 157.503(B)(2):

Clarify the Improvement Location Permit Exclusions table by adding “Building-mounted solar panel” to the table

Amendment ILP3 – 157.503(B)(2):

Clarify the Improvement Location Permit Exclusions table by removing the term “handicap ramp” from the table

Amendment ILP4 – 157.503(B)(2):

Clarify the Improvement Location Permit Exclusions table by adding “arbor”, “storage tank (underground)”, and “Type 2 and Type 3 manufactured home in a manufactured home park” to the table

Amendment CU1 – 157.503(C):

Clarify the Contingent Uses provisions by removing the Community Facility use from the list of permitted contingent uses; update the definitions of Community Facility and Neighborhood Facility also

Amendment NC1 – 157.504(C):

Clarify the Nonconforming Uses Expansion of Use provisions by adding language that allows for a nonconforming use in a BTI district to expand

Amendment NC2 – 157.504(C):

Clarify the Nonconforming Uses Expansion of Use provisions by adding language to (C)(2)(a)(i) to make it clear that a SFR can add a detached garage and/or fence without it being considered a non-permitted expansion of the use

Amendment NC3 – 157.504(C):

Update the Other Nonconforming Situations Fences provisions by clarifying the references to “type” of fence

Amendment DEF1 – 157.506(B):

Address the issue that “Radio or Television Tower” is defined but not listed as a permitted and/or special use by deleting the definition of “Radio or Television Tower”

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Amendment DEF2 – 157.506(B):

Address the issue that “parochial school”, “private school”, and “public school” are only used in definitions is defined but not listed as a permitted and/or special use by deleting the definitions of “School, Parochial”, “School, Private”, and “School, Public”; add “post” to secondary in “business school” definition to clarify that definition

Amendment DEF3 – 157.506(B):

Update the definition of Sign Fabrication Shop by adding “The maintenance and installation of signs shall also be permitted as part of this use” to the definition

Amendment DEF4 – 157.506(B):

Update the definition of the Retail/Limited commercial category by deleting “home accessory/improvement store” from the definition and adding “home repair”

Amendment DEF5 – 157.506(B):

Update the definitions of building, single family dwelling, and structure by excluding tent and recreational vehicle from the definition of “building”; excluding tents from the definition of “dwelling, single family”, and excluding tents and recreational vehicles from the definition of structure

Amendment DEF6 – 157.506(B):

Update the definition of “Agricultural Livestock Operation, Low Intensity” by adding “and goats” to the sheep permitted number of animals and adding “and llamas” to the horses permitted number of animals

Amendment DEF7 – 157.506(B):

Address the issue that “Standards” is defined but not used the way it is defined by deleting the definition of “Standards”

Amendment DEF8 – 157.506(B):

Clarify the Height Standards Exceptions by adding a definition of “steeple”

Amendment DEF9 – 157.506(B):

Clarify the Accessory Dwelling Unit definition by changing the words “is intended to” to “shall”

Amendment DEF10 – 157.506(B):

Clarify what is permitted as play equipment by deleting “and other similar uses”, and adding “but excluding materials that meet the definition of junk as set forth herein” to the definition

Amendment DEF11 – 157.506(B):

Update the definition of “wholesale facility” by adding “logistics and supply chain facility” to the definition

Amendment DEF13 – 157.506(B):

Update how residential minimum lot widths will be measured by revising the definition of “Lot Width, minimum” and also revising the residential development standards tables to clarify how the lot width will be measured

Amendment DEF14 – 157.506(B):

Update the definition of “Use, Nonresidential” by adding “including educational and religious institutions” to the definition

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Amendment DEF15 – 157.506(B):

Update the definition of "Substantial Change" by adding "(however, for a single family subdivision, an increase of up to 5% of the number of platted lots shall be permitted)"

Amendment DEF16 – 157.506(B):

Update the definition of "Sign, Blade" by changing the definition to "A sign affixed to a building wall that projects from the building face, generally at right angles to the building. Blade signs are primarily oriented toward vehicular traffic and located in higher traffic volume areas. The height of a blade sign shall be at least 1.5 times the sign width."

Amendment DEF17 – 157.506(B):

Update the definitions which currently have dimensional standards included in the definition and either keep or remove the standard from the definition, or included in the ordinance text (see Defined Terms With Numerals table)

Amendment DEF18 – 157.506(B):

Update the definitions of "hospice care center", "hospital", "medical facility or office", "nursing home", "rehabilitation facility", and "treatment center" to include whether overnight stays are permitted as part of the use

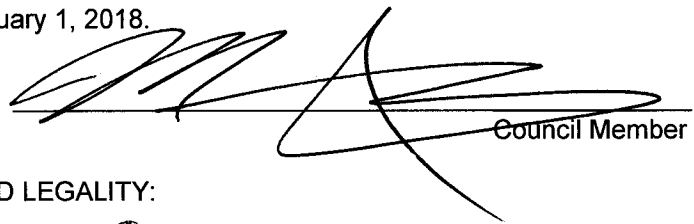
Amendment DEF19 – 157.506(B):

Resolve the conflict between definitions of "street", "private street", and "public street" by deleting the definition of "street"

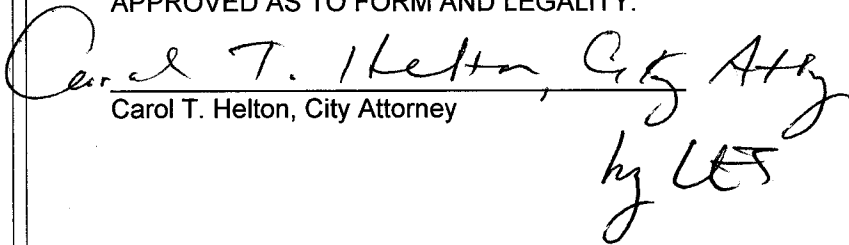
Amendment DEF20 – 157.506(B):

Update the definition of "conditions" by adding "For conditions imposed by the Board, a condition includes any greater additional development standard, regulation, safeguard or restriction that the Board finds reasonably necessary to meet the intent of this ordinance or the public health, safety, or general welfare. Whenever the Board imposes an additional development standard, regulation, safeguard or restriction on any approval that is greater than the minimum regulations of this ordinance, the greater or more restrictive condition, safeguard, or restriction shall govern" to the definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 1, 2018.


Council Member

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney
by UTS

2017 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the replacement ordinances (4/5/2014) or the effective date of the last technical amendment (1/1/2016);

A summary of the proposed 2017 technical amendments is below; the proposed effective date is January 1, 2018. To maintain alignment with the County and Fort Wayne, the Town of Hometown ordinance will also be amended.

Draft Summary of Amendments			
No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
AN1	Annexation FW2	Several annexation-related issues have been identified	What happens to previous PC/BZA approvals, or ILP projects. Revise ordinances as set forth in proposed Bob Eherenman language (FW and Hometown only)
TP 1	Transitional provisions 5-7/5-7	Update the transitional provisions effective dates	Change “the effective date of this ordinance” to “April 3, 2014”
AS1	Accessory Dwelling Units 17 et al/16 et al	There was confusion over what the minimum square footage of a freestanding Accessory Dwelling Unit needed to be	Freestanding Accessory Dwelling Units need to be at least 950 square feet; integrated ADUs need to be a minimum of 300 square feet; (revise applicable residential Accessory Buildings, Structures, and Uses tables; and Development Standards tables - number of buildings permitted on a lot provisions)
PU1	Permitted Uses 18/17	There has been confusion as to whether a freestanding accessory dwelling unit is permitted in the A1 and AR districts	Update the A1 and AR development standards tables to clarify that two dwelling units are permitted; change the accessory dwelling unit square footage from 300 square feet to 950 square feet
SU1	Special Uses 30 et al/22 et al	Temporary subdivision signs are currently a Special Use in AR-A1-A3; there have been requests to locate these signs in other districts	Add the Special use from the A districts to all of the zoning districts
DS1	Development Standards 33 et al/25 et al	A fence is defined as an accessory structure, but there are also fence development standards for corner lots – needs to be clarified	Treat retaining walls and fences the same; align the development standards, yard projections, and accessory structures exceptions to standards provisions; split fence and wall provisions into individual lines; add “excluding fences” to the Side Yard Corner lot provisions bullet points; update the Yard project table per DPS fence/wall staff sheet
DS2	Development Standards 45/38	It is not clear whether the multiple family perimeter setback applies only to a complex or to a single building as well	Clarify the development standards in the R3 and RP districts by adding “building and” to the Multiple family complex perimeter setback standard
DS3	Development Standards 46/38, 46	It is unclear what the building setback is for additions/new buildings in residential condominium development plans	Foxwood, Covington Creek, and other condominium projects are multiple family complexes; revise the RP and R3 10’ side yard standard to be a 10’ building separation standard for these types of projects
PU2	Permitted uses 59/59	Tattoo establishment is not included in the definition of personal services	Delete the C1 footnote excluding tattoo establishments; tattoo establishments will still not be a permitted C1 use

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
SU2	Special Uses 61/61	There is a question about the retail (neighborhood) special use provisions; does the use have to be in an existing building?	Clarify the language to make it clear that this Special Use is only permitted for an existing building; remove the word (neighborhood)
DS4	Development Standards 63 et al/63 et al	It is not clear if a nonconforming primary building setback allows for an accessory building to be closer also	Clarify that "The smallest existing nonconforming primary building setback" provision in the commercial and industrial districts does not apply to an accessory building or structure
PU3	Permitted Uses FW 114	DE allows single family (one unit) and multiple family (3 or more units); there is a gap with 2 units above nonresidential	Add "dwelling, two family" to the permitted uses provisions; include footnote (2) (Fort Wayne only)
PU4	Permitted Uses 105/131	It is not clear that the Business, Technology, and Industrial Park district permits a professional office/research facility	Add "professional office and research facility" to the BTI permitted uses
PU5	Permitted Uses 118, 124/ 144, 149	There was a question as to where "equipment rental" is/should be permitted	Add limited and general equipment rental to the I2 and I3 districts
AU1	Accessory Structures/Uses 159-160/ 185-186	There is a conflict between the Parking and Vehicle Storage and the Prohibited Vehicles provisions	Update the provisions by dividing the language into Permitted vehicle storage and prohibited vehicle storage; update definition of motor vehicle to add "golf cart", "lawn mower" and "lawn implements"
OS1	Outdoor storage 161/187	The outdoor storage provisions needs to be revised to address non-temporary portable storage units	Revise by adding "Portable storage containers used for accessory outdoor storage, if used for over 120 days, shall only be permitted in the C3, C4, I1, I2, and I3 districts, and shall meet the applicable provisions for outdoor storage in this chapter."
TS1	Temporary Structures/Uses 163/189	The Temporary Structures and Uses section title does not include the word "Buildings"	Add the word "Buildings" to the title
TS2	Temporary Structures/Uses 163/189	It is unclear where shipping containers/portable storage units as an temporary use are permitted	Add "A temporary storage or similar structure, including a portable storage container, shall be permitted in a residential district for up to 90 days without a certificate of use; if the applicant obtains a certificate of use then the structure may be permitted up to 120 days" to the language
TS3	Temporary Structures/Uses 164/190	It is unclear which districts a temporary tent is permitted in, and which uses are permitted in conjunction with a temporary tent	Add/revise language to clarify how and where a tent is permitted in (see updated Temporary Tent language sheet)
DDS1	Development Design Standards 169/195	It is unclear about how a project phasing /timing of construction of sidewalks would lead to the requirement to install a sidewalk	Add "required and" before "existing" to 3-4-4-14(a)(1); change 3-4-4-14(b)(1)(A) to "including all development proposed as part of a primary development plan since April 4, 2014";

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
DDS2	Development Design Stds 169/195	It is not clear when a multi-use trail would be required to be installed	Add “if engineering plans have been approved for the trail” to 3-4-4-14(a)(3) and 157.404(N)(c)
DDS3	Development Design Stds 169/195	Pedestrian circulation language “including previous or proposed phases of the proposed development” needs to include the date of 4-3-2014	Add date to AC page 169, 3-4-4-14 (b)(1)(A) and FW page 195, (N)(2)(a)(ii)
DDS4	Development Design Stds 175/199	There have been issues in terms of interconnections for both residential projects and nonresidential projects	Update ordinances per Bob Eherenman language for interconnections for development plans and plats
PARK2 DDS5	Parking 187/217 <u>Development Standards 63/63</u>	The ordinance is not clear on when an existing nonconforming gravel parking needs to be paved	Add a provision to the Parking Lot Improvement Standards that clarifies this Revise the commercial permitted uses general language by replacing the word “existing” gravel surface with “permitted”
DSW1	Development Standards Waivers 180/209	It is unclear if the height exclusion for amateur radio towers applies to both a freestanding or building mounted tower	Add (freestanding or building mounted) to “amateur radio tower/antenna” provision (add antenna as well)
DSW2	Development Standards Waivers 180/210	It is unclear if the height exclusion for television aerials includes radio antennae, and if it includes both a freestanding and building mounted tower	Television aerial (residential), including radio antennae (freestanding or building mounted)
PARK1	Parking 184/215	There is no specific parking standard for a public airport	Add “airport” to the list of uses that do not have a minimum parking requirement
LS1	Landscape Standards 222	It is unclear what the setback standard is for a dumpster in the DC, DE, and UC districts	Add a provision allowing a dumpster with no setback in these three districts (Fort Wayne only)
S1	Signs 211/241	There have been issues with automatically-permitted Electronic Message Center signs for Board of Zoning Appeals-approved uses	Create a separate EMC signage provision for BZA uses; create provisions for Single and Two Family, Other Permitted Residential Uses, Universally Permitted Uses, and BZA-approved uses
S2	Signs 211/241	There have been requests to install “subdivision/neighborhood” signs; it is not clear how to deal with the “neighborhood” signs	Create a neighborhood sign provision by adding “neighborhood” to the
S3	Signs 211/241	There is no provision for smaller auxiliary subdivision signs within a development (like for different sections/types of homes)	Add a provision for smaller non-illuminated auxiliary subdivision signs (4’ high, 24 square feet)
S4	Signs FW 249	There is a conflict in the window/wall signs general provision and the specific wall sign provisions – general allows window signs; the specific provisions do not	Revise the window signs general provisions (h) to exclude the DC-DE-UC districts (Fort Wayne only)

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
S5	Signs 225/256	The general sign maintenance provisions do not exclude billboards	Revise the maintenance provisions to exclude billboards (there is a separate maintenance provision for billboards)
S6	Signs 226, 377/ 257, 409	The Sign height language in the Sign Measurement provisions is not consistent with the definition of sign height	Align the language by revising the sign measurement language
RE1	Roadway easements AC 230	There have been issues and questions about allowing roadway easements off of platted stub streets	Add language to 3-4-10-3 to allow a roadway easement access from a platted stub street (County only)
BZA1	BZA 267/297	Court cases have stated that the BZA may impose a greater standard where the ordinance has specific standard, based on evidence submitted at the hearing	Update the BZA powers provisions as proposed by Bob Eherenman to make it clear that the Board is permitted to do this; add a definition of conditions as part of this revised language
ILP1	Improvement Location Permits (ILPs) 275/305	There is not a provision for the validity of incomplete non-Site Plan ILP applications	Add a provision for validity of non-Site Plan ILP applications to the Improvement Location Permit provisions (new “g”/”8”)
ILP2	ILPs 276/306 385/417	There was a question as to whether a building mounted solar panel required an ILP	Building mounted solar panel falls under utility fixture, no ILP needed (add term to definition of utility fixture and to ILP exclusion table)
ILP3	ILP exclusions 276/306	The term “handicap ramp” is used in the ILP exclusions table, but the term “access ramp” is also used and defined	Remove the term handicap ramp from the ILP exclusion table; this is part of the definition of access ramp
ILP4	ILP exclusions 276/306	ILP exclusions – there are some structures missing from the exclusion lists	Add arbor, storage tank (underground), and Type 2 and Type 3 manufactured home in a manufactured home park
ILP5	ILP exclusions 276/306	There is a question about the standards for canvas/plastic-covered carports and whether ILPs are required for them	These should be considered structures. They should typically be required to get ILPs; add to the definition of structures
ILP6	ILP Exclusions FW 306	There is a typo in the Exclusions table cross reference, says 157.316, should be 157.409	Revise to correct typo (Fort Wayne only)
CU1	Contingent Uses 281/311	Look at the contingent uses provisions and determine which public facilities require a CU	Remove the Community Facility use from the list of permitted contingent uses; update the definitions of Community Facility and Neighborhood Facility)
SU3	Special Uses 287/316	The Commercial Communication Tower language is not clear	Clarify the Commercial Communication Tower Special Use language for AC 3-5-3-4(c)(1)(B) and FW 157.503(D)(3)(a)(ii); break up the sentence into separate requirements

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
NC1	Nonconforming Situations 293/323	For uses now in BTI districts which were determined to be permitted use by the County Plan Commission, it is unclear whether they would be permitted to expand	Add language to the Nonconforming Use provisions that allow for a nonconforming use in a BTI district to expand
NC2	Nonconforming Situations 293/323	It is not clear that an existing nonconforming single family residence can add a detached garage and/or fence	Add language to Nonconforming use (C)(2)(a)(i) to make it clear that a SFR can add a detached garage and/or fence without it being considered a non-permitted expansion of the use
NC3	Nonconforming Situations 294/325	There have been questions as to what "type" means in "type of fence" under Other Nonconforming Situations	Change the Fence language from "type" to "style and material"
DEF1	Definitions – Radio/TV tower 365/397	Radio or television tower is defined but not listed as a permitted and/or special use	Remove the definitions of Radio Tower, Television Tower, and Radio or Television Tower (IZO definitions also)
DEF2	Definitions School, parochial; school, public; school, private 371/402	Revisit the need to have a separate definition of school, parochial; school, private; and school, public; "parochial school", "private school", and "public school" are only used in definitions	Remove School, Parochial; School, Private; and School, Public definitions; add "post" to secondary in "business school" definition
DEF3	Definitions – Sign fabricating shop 377/409	Tweak definition of "sign fabrication shop" to include fabrication, maintenance, and/or installation of signs.	Add "The maintenance and installation of signs shall also be permitted as part of this use" to the definition.
DEF4	Definition – Retail, limited 369/401	There was a question as to where a drywall business with no customer showroom would be permitted	Delete "home accessory/improvement store" from the Retail/Limited definition and add Home Repair
DEF5	Definitions 317, 329, 381/ 349, 361, 413	There were questions about individuals living in tents and campers/RVs	Revise the definitions of building, single family dwelling, and structure; add tents and recreational vehicles to the definition exclusions
DEF6	Definitions 338 (FW only)	There are animals not included in the animal density provisions of the Low Intensity Livestock Operation definition	Add "sheep and goats" and "horse and llama" to the definition
DEF7	Definitions 379/411	"Standards" as defined refers to Board of Works/County Highway Department; is not used that way	Delete definition of "standards"
DEF8	Definitions Height exclusion 180/210	There have been questions about what a church steeple is and if the additional residential mitigation setback standards apply to a church with a steeple	Define steeple as "a conical, pyramidal, or similar structure on the top of a tower or roof of a religious institution; the additional setback standard does not apply
DEF9	Definitions 303/335	The Accessory Dwelling Unit definition is unclear	Clarify the definition by changing "is intended to be" to "shall be"

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
DEF10	Definitions 363/395	There have been issues with individuals calling junk materials play equipment	Update definition of play equipment by deleting “and other similar uses”, adding “but excluding materials that meet the definition of junk as set forth herein”
DEF11	Definitions 386/418	There have been questions about where a logistics facility would be permitted	Add “logistics and supply chain facility” to the definition of wholesale facility
DEF12	Definitions 333/365	In “fence, agricultural”, agricultural is misspelled	Revise; also, add “agricultural fence” to definitions
DEF13	Definitions 352/384	There is confusion over where the minimum lot width should be measured	Revise as per staff drawing; also revise the development standards tables to clarify how the lot width will be measured
DEF14	Definitions 385/417	The definition of “use, nonresidential” does not include educational or religious institution	Add educational institution and religious institution to definition (exclude parsonage, convent, etc.)
DEF15	Definitions 382/414	The definition of “substantial change” does not allow for any increase in the number of residential lots	Add a provision to the definition to allow for an increase in the number of residential lots of up to 5% of the original number of lots
DEF16	Definitions 373/405	There have been questions about the application of the blade signs provisions	Remove the 60 foot building height provision from the definition of “Sign, blade”
DEF17	Definitions Various pages	Look at the dimensional standards currently included in individual definitions and determine if the standard should be kept or removed from the definition, or included in the ordinance text	(See updated Definitions sheet for determinations)
DEF18	Definitions Various pages	There is confusion within several of the medically-related definitions as to whether the uses allow overnight stays	Update the definitions of “hospice care center”, “hospital”, “medical facility or office”, “nursing home”, “rehabilitation facility”, and “treatment center” to clarify the overnight stay provisions
ADD1 DEF19	Definitions 380/412	There are definitions for “street”, “private street”, and “public street”; the definitions conflict	Delete the definition of “street”
ADD2 DS5	Development Standards 45/37,45	There is a conflict between the R3 and RP permitted uses and the development standards	Resolve the conflict by adding “multiple primary buildings shall be permitted if approved by the Plan Commission as part of a development plan” to the development standards table language
ADD3 DP1	Development Plans 129/155	The language for when a development plan is required for multiple buildings is unclear	Clarify language by revising it to “Projects involving multiple buildings on a single lot or development site
ADD4 DEF20	Definitions 323/355	The definition for “conditions” needs to be revised based on the amendment for the BZA Powers and Duties	Revise the definition of “conditions”

Defined Terms With Numerals

Defined Term	K/D/A	Defined Term	K/D/A
Adjacent	K/A	Landing field, private	K
Adult bookstore, et. al	K	Lot, front (residential)	K
Adult care center	K	Lot, through	K
Adult care home	K	Lot width, minimum (add a graphic)	K
Agricultural livestock operation, low intensity (FW)	D	Lot line, rear	K
Agronomic crop production	D	Manufactured home, type II	K
AOD definitions (multiple)	K (all)	Mirrored glass	K
Animal kennel	K	Motor vehicle storage yard	K
Assisted living facility	D	Multiple family complex	K
Automobile rental	K	Multiple family complex, high rise	K
Automobile sales	K	Nits (confirm formula)	Update
Bed and breakfast	K	Plat, minor	K
Block	K	Plat, major	D
Brewery, micro	Update	Recycling processing facility	K
Camp ground	K	Residential facility for developmentally disabled individuals	K
Child care	K	Residential facility for homeless individuals	K
Child care center	K	Residential facility for mentally ill individuals	K
Child care home	K	Residential facility, other	K
Confined feeding	K	Retirement facility	K
Confined feeding operation	K	Riding stable, non-residential	D
Construction access road	D	Root parcel of land	K
Corner visibility area	K	Satellite dish, large	K
Day care, child	K	Satellite dish, small	K
Developmental disability	K	Sign, billboard	K
Double frontage lots	K	Sign, blade (update definition also)	D
Dwelling, multiple family	K	Sign, flashing	K
Dwelling, single family (detached)	D	Sign, off-premise	K
Dwelling, single family (attached)	D	Sign, projecting (update definition also)	K
Dwelling, townhouse	K	Sign height	K
Dwelling, two family	K	Significant natural features	K
Façade, primary	K	Story	K
Family	K	Story-half	K
Fence	K	Temporary use (remove definition)	
Fence, open	K	Townhouse complex	K
Fence, solid (change to over 50%)	Update	Townhouse structure	K
Floodplain definitions (multiple)	K (all)	Trail, multi-use	D
Golf course	D	Universally permitted use	K
Golf course, miniature	D	Unrelated persons	K
Group residential facility, large	K	Waste management and remediation facility	K
Group residential facility, small	K	Wind energy conversion system, large	K
Hazardous waste	D	Wind energy conversion system, micro	K
Home business	K	Wind energy conversion system, standard	K
Home enterprise	K	Yard, rear	K
Home workshop	K	Yard, side	K

K/D/A = Keep/Delete/Add to Ordinance

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Amendment to the Fort Wayne Zoning Ordinance
Case Number: ZORD-2017-0001
Bill Number: G-17-10-02
Council District: All

Introduction Date: October 10, 2017

Plan Commission
Public Hearing Date: October 9, 2017

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157)

Location: Within the planning jurisdiction of Fort Wayne

Applicant: City of Fort Wayne Plan Commission

Related Petitions: This ordinance is being proposed in conjunction with a similar
amendment to the Allen County Zoning Ordinance

Effect of Passage: This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the replacement ordinances (4/5/2014) or the effective date of the last technical amendment (1/1/2016)

Effect of Non-Passage: The City of Fort Wayne will delay action intended to implement the
Comprehensive Plan's, Governing Board's, and Plan Commission's directives

BILL NO. R-17-10-02

**REPORT OF COMMITTEE ON REGULATIONS
November 14, 2017**

Michael Barranda Chair

John Crawford Co-Chair

All Council Members

An Ordinance amending Chapter 157 of the City of Fort Wayne Municipal Code



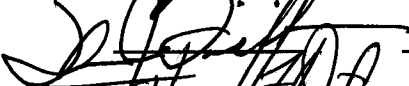
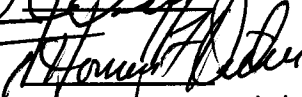
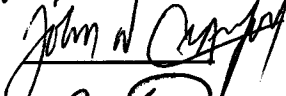
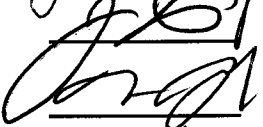



COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

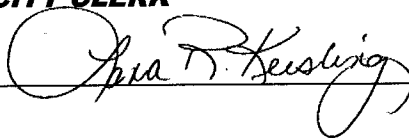
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: October 10, 2017

Read the first time in full and on motion by Councilman Barranda.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Barranda, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: November 14, 2017




STACY A. REED, DEPUTY CITY CLERK

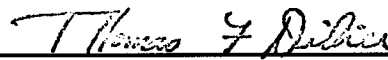
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-17-10-02 on the 14th day of November, 2017

ATTEST:



STACY A. REED
DEPUTY CITY CLERK



PRESIDING OFFICER

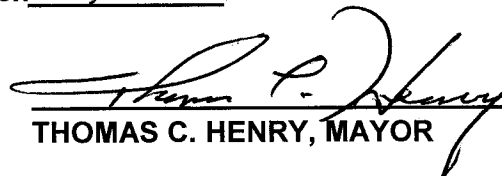
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th of November 2017, at the hour of 9:00 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 16th day of November

2017, at the hour of 11:30 O'clock Am E.S.T.


THOMAS C. HENRY, MAYOR