

1 **#ZORD-2019-0004**

2 BILL NO. G-19-02-22

3 ORDINANCE NO.

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

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

8 SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.212 through
9 157.224 (Zoning Districts, C1/Professional Office and Personal Services through I3/Intensive
10 Industrial); Section 157.302 (Site Plan Review); Section 157.404 (Development Design
11 Standards), Section 157.408 (Landscape Standards), and Section 157.506 (Definitions) are
hereby amended as follows.

12 Amendment DS1 – 157.212(E)(1) through 157.224(E)(1):

13 The nonresidential Development Standards tables have a greater rear yard setback for primary
14 buildings with outside activity than the Landscape standards (50' setback vs. 25' buffer yard
15 width); remove the "no outside activity behind the building" phrase and the "Primary building –
outside activity behind the building" setback standards from the C1, C2, NC, SC, C3, C4, BTI, I1,
I2, and I3 districts rear yard requirements

16 Amendment SPR1 – 157.302(B)(2):

17 There are issues with requiring Site Plan Review for outdoor activity areas; change the "When
Required" language from "an outdoor activity area" to "an outdoor eating/ drinking/smoking area"

18 Amendment DDS1 – 157.404(N)(2)(c):

19 There is an issue over whether an outdoor eating/drinking/smoking area should trigger the
20 installation of a new sidewalk; add "Sidewalks shall not be required for outdoor eating/drinking/
21 smoking area site plan review projects" as a new Pedestrian Circulation 157.404(N)(2)(c)

22 Amendment DDS2 – 157.404(O)(1):

23 The nonresidential Development Standards tables have a lesser side and rear yard requirement
24 for accessory buildings than the Residential Impact Mitigation standards (25' and 40' vs. 50');
25 revise the Residential Impact Mitigation standards Additional Height standards to: "No primary or
26 accessory buildings or structures exceeding 30 feet in height shall be located within 50 feet of the
27 A, R, or MH district."

28 Amendment LS1 – 157.408:

29 The terms "outdoor activity area" and "outside activity area" are not used consistently; change
30 "outside activity area" to "outdoor activity area", to match the defined term; change "activity area"
to "outdoor activity area"; update the language throughout the Landscape Standards

1 Amendment LS2 – 157.408(B):

2 The Applicability provisions are unclear; clarify the language by putting the provisions into a list;
3 add outdoor eating/drinking/smoking areas provisions

4 Amendment LS3 – 157.408(D)(1)(h):

5 The landscape standards allow a fence to be substituted for screening a building or activity area,
6 but not a mound. Add the following to the General Standards and Requirements Mounding
7 provisions: "Where this section requires landscaping for the purpose of screening a building or
8 activity area, a mound may be used to meet all or part of the screening requirement. If mounding
9 is used to meet part of a screening requirement the remaining required screening shall still be
10 provided as set forth herein. Mounding used for screening purposes may be located in a required
11 yard, subject to the corner visibility provisions set forth in this ordinance."

12 Amendment LS4 – 157.408(D)(1)(i):

13 The landscape standards allow a fence to be substituted for screening a building or activity area,
14 but the language allowing the substitution does not require a solid fence; add "a **solid fence**" to
15 the Fencing Used for Screening provisions

16 Amendment LS5 – 157.408(D)(1)(j):

17 It is not clear that a buffer yard can be located within a required front, side, or rear yard setback;
18 add the following Buffer Yard language to the Landscape Standards General Standards and
19 Requirements provisions, as a new 157.408(D)(1)(j)[Buffer Yards]: "As required herein, a buffer
20 yard shall be an area between a building, structure, or use and an adjacent property or street
21 right of way. The area shall be available for berms, fences, plants, and/or walls to provide
22 adequate screening and buffering between buildings, structures, parking areas, driveways, and
23 activity areas, and adjacent uses, buildings, structures, and streets. A buffer yard may be
24 located within a required front, side, or rear yard building setback."

25 Amendment LS6 – 157.408(D)(2)(d):

26 The existing Landscape Codes table is unclear with respect to Nonresidential Outdoor Activity
27 Areas and needs to be updated; clarify the language and reorganize the table; renumber the B
28 codes as necessary; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber
29 the A codes as necessary

30 Amendment LS7 – 157.408(D)(2)(f):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B1 and B2; delete Landscape code B2; use existing Landscape code B1 as the standard
for both adjacency situations

Amendment LS8 – 157.408(D)(2)(g):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B3 and B4; delete Landscape code B4; use existing Landscape code B3 as the standard
for both adjacency situations

Amendment LS9 – 157.408(D)(2)(h):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B5 and B6; delete Landscape code B6; use existing Landscape code B5 as the standard
for both adjacency situations

Amendment LS10 – 157.408(D)(2)(j):

Several of the Landscape codes are very similar to each other; there is little difference between
Code A1 and P2; revise the Landscape code A1 to match the P2 code; re-number the B codes
so they are in numerical order

Amendment LS11 – 157.408(D)(2)(j):

The Nonresidential Outdoor Activity A-2 code language is unclear as to what needs to be
screened; add "screen the drive-through window and automobile stacking areas" to the A-2 code
language

Amendment LS12 – 157.408(D)(2)(k):

1 The Nonresidential Outdoor Activity A-4 code language is unclear as to what needs to be
2 screened; add "screen the drive-through window and automobile stacking areas" to the A-4 code
3 language; add "Continuous medium shrub screen" as a standard

4 Amendment LS13 – 157.408(D)(2)(k):

5 The Nonresidential Outdoor Activity A-5 code language requires a large shrub screen, staff feels
6 that a medium shrub screen would be adequate; change "Continuous large shrub screen" to
7 "Continuous medium shrub screen"

8 Amendment LS14 – 157.408(D)(2)(k):

9 There is currently no screening code for a new outdoor eating/drinking/smoking area; add a new
10 code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes

11 Amendment LS15 – 157.408(D)(2)(n):

12 It is not clear how many trees need to be provided in large parking area internal tree islands, or
13 how large the islands need to be; clarify the language for the number of trees and the minimum
14 tree island square footage area in the Planting Islands Required provisions

15 Amendment LS16 – 157.408(E)(2)(b) and (c):

16 In addition to the other parking area landscape standards, there are 10% and 15 % interior
17 landscape standards, and an internal planting area drainage standard; delete the 10% and 15 %
18 interior landscape standards from the Additional Parking Area Landscape Standards; remove the
19 drainage standard and the two associated graphics

20 Amendment DEF1 – 157.506(B):

21 There is no definition of buffer yard; add the following definition of buffer yard; "For the purposes
22 of the landscape standards, an area between a building, structure, or use and an adjacent
23 property or street right of way. The area shall be available for berms, fences, plants, and/or walls
24 to provide adequate screening and buffering between buildings, structures, parking areas,
25 driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote
26 compatibility between different land uses; conserve energy and moderate the effects of sun and
27 wind; decrease storm water run-off and erosion; conserve or enhance property values; and
28 improve the appearance of individual developments. A buffer yard may be located within a
29 required front, side, or rear yard building setback."

30 Amendment DEF2 – 157.506(B)

The definition of "Solid Fence" is unclear and does not state which materials are permitted; revise
the definition to: "A fence erected or constructed to prevent views across the fence line. For the
purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing
materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material."

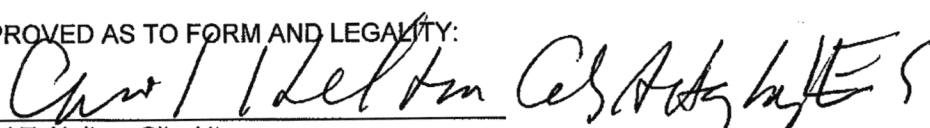
Amendment DEF3 – 157.506(B):

The definition of outdoor activity area is unclear; the terms "outdoor" and "outside" are
inconsistently used; Clarify the definition to: "The use of an area for outside activities by a
nonresidential use. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading
areas, and storage areas shall be considered outdoor activity areas. Gardens, front-facing
automobile service bays and similar uses shall not be considered outdoor activity areas."

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full
force and effect starting on April 22, 2019.

Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

1 **#ZORD-2019-0004**

2 BILL NO. G-19-02-22

G-8-19

3
4 ORDINANCE NO.

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

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

9 SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.212 through
10 157.224 (Zoning Districts, C1/Professional Office and Personal Services through I3/Intensive
11 Industrial); Section 157.302 (Site Plan Review); Section 157.404 (Development Design
12 Standards), Section 157.408 (Landscape Standards), and Section 157.506 (Definitions) are
13 hereby amended as follows.

14 Amendment DS1 – 157.212(E)(1) through 157.224(E)(1):

15 The nonresidential Development Standards tables have a greater rear yard setback for primary
16 buildings with outside activity than the Landscape standards (50' setback vs. 25' buffer yard
17 width); remove the “no outside activity behind the building” phrase and the “Primary building –
18 outside activity behind the building” setback standards from the C1, C2, NC, SC, C3, C4, BTI, I1,
19 I2, and I3 districts rear yard requirements

20 Amendment SPR1 – 157.302(B)(2):

21 There are issues with requiring Site Plan Review for outdoor activity areas; change the “When
22 Required” language from “an outdoor activity area” to “an outdoor eating/ drinking/smoking area”

23 Amendment DDS1 – 157.404(N)(2)(c):

24 There is an issue over whether an outdoor eating/drinking/smoking area should trigger the
25 installation of a new sidewalk; add “Sidewalks shall not be required for outdoor eating/drinking/
26 smoking area site plan review projects” as a new Pedestrian Circulation 157.404(N)(2)(c)

27 Amendment DDS2 – 157.404(O)(1):

28 The nonresidential Development Standards tables have a lesser side and rear yard requirement
29 for accessory buildings than the Residential Impact Mitigation standards (25' and 40' vs. 50');
30 revise the Residential Impact Mitigation standards Additional Height standards to: “No primary or
accessory buildings or structures exceeding 30 feet in height shall be located within 50 feet of the
A, R, or MH district.”

Amendment LS1 – 157.408:

The terms “outdoor activity area” and “outside activity area” are not used consistently; change
“outside activity area” to “outdoor activity area”, to match the defined term; change “activity area”
to “outdoor activity area”; update the language throughout the Landscape Standards

1 Amendment LS2 – 157.408(B):

2 The Applicability provisions are unclear; clarify the language by putting the provisions into a list;
3 add outdoor eating/drinking/smoking areas provisions

4 Amendment LS3 – 157.408(D)(1)(h):

5 The landscape standards allow a fence to be substituted for screening a building or activity area,
6 but not a mound. Add the following to the General Standards and Requirements Mounding
7 provisions: "Where this section requires landscaping for the purpose of screening a building or
8 activity area, a mound may be used to meet all or part of the screening requirement. If mounding
9 is used to meet part of a screening requirement the remaining required screening shall still be
10 provided as set forth herein. Mounding used for screening purposes may be located in a required
11 yard, subject to the corner visibility provisions set forth in this ordinance."

12 Amendment LS4 – 157.408(D)(1)(i):

13 The landscape standards allow a fence to be substituted for screening a building or activity area,
14 but the language allowing the substitution does not require a solid fence; add "a **solid fence**" to
15 the Fencing Used for Screening provisions

16 Amendment LS5 – 157.408(D)(1)(j):

17 It is not clear that a buffer yard can be located within a required front, side, or rear yard setback;
18 add the following Buffer Yard language to the Landscape Standards General Standards and
19 Requirements provisions, as a new 157.408(D)(1)(j)[Buffer Yards]: "As required herein, a buffer
20 yard shall be an area between a building, structure, or use and an adjacent property or street
21 right of way. The area shall be available for berms, fences, plants, and/or walls to provide
22 adequate screening and buffering between buildings, structures, parking areas, driveways, and
23 activity areas, and adjacent uses, buildings, structures, and streets. A buffer yard may be
24 located within a required front, side, or rear yard building setback."

25 Amendment LS6 – 157.408(D)(2)(d):

26 The existing Landscape Codes table is unclear with respect to Nonresidential Outdoor Activity
27 Areas and needs to be updated; clarify the language and reorganize the table; renumber the B
28 codes as necessary; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber
29 the A codes as necessary

30 Amendment LS7 – 157.408(D)(2)(f):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B1 and B2; delete Landscape code B2; use existing Landscape code B1 as the standard
for both adjacency situations

Amendment LS8 – 157.408(D)(2)(g):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B3 and B4; delete Landscape code B4; use existing Landscape code B3 as the standard
for both adjacency situations

Amendment LS9 – 157.408(D)(2)(h):

Several of the Landscape codes are very similar to each other; there is little difference between
Code B5 and B6; delete Landscape code B6; use existing Landscape code B5 as the standard
for both adjacency situations

Amendment LS10 – 157.408(D)(2)(j):

Several of the Landscape codes are very similar to each other; there is little difference between
Code A1 and P2; revise the Landscape code A1 to match the P2 code; re-number the B codes
so they are in numerical order

Amendment LS11 – 157.408(D)(2)(j):

The Nonresidential Outdoor Activity A-2 code language is unclear as to what needs to be
screened; add "screen the drive-through window and automobile stacking areas" to the A-2 code
language

Amendment LS12 – 157.408(D)(2)(k):

1 The Nonresidential Outdoor Activity A-4 code language is unclear as to what needs to be
2 screened; add "screen the drive-through window and automobile stacking areas" to the A-4 code
3 language; add "Continuous medium shrub screen" as a standard

4 Amendment LS13 – 157.408(D)(2)(k):

5 The Nonresidential Outdoor Activity A-5 code language requires a large shrub screen, staff feels
6 that a medium shrub screen would be adequate; change "Continuous large shrub screen" to
7 "Continuous medium shrub screen"

8 Amendment LS14 – 157.408(D)(2)(k):

9 There is currently no screening code for a new outdoor eating/drinking/smoking area; add a new
10 code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes

11 Amendment LS15 – 157.408(D)(2)(n):

12 It is not clear how many trees need to be provided in large parking area internal tree islands, or
13 how large the islands need to be; clarify the language for the number of trees and the minimum
14 tree island square footage area in the Planting Islands Required provisions

15 Amendment LS16 – 157.408(E)(2)(b) and (c):

16 In addition to the other parking area landscape standards, there are 10% and 15 % interior
17 landscape standards, and an internal planting area drainage standard; delete the 10% and 15 %
18 interior landscape standards from the Additional Parking Area Landscape Standards; remove the
19 drainage standard and the two associated graphics

20 Amendment DEF1 – 157.506(B):

21 There is no definition of buffer yard; add the following definition of buffer yard; "For the purposes
22 of the landscape standards, an area between a building, structure, or use and an adjacent
23 property or street right of way. The area shall be available for berms, fences, plants, and/or walls
24 to provide adequate screening and buffering between buildings, structures, parking areas,
25 driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote
26 compatibility between different land uses; conserve energy and moderate the effects of sun and
27 wind; decrease storm water run-off and erosion; conserve or enhance property values; and
28 improve the appearance of individual developments. A buffer yard may be located within a
29 required front, side, or rear yard building setback."

30 Amendment DEF2 – 157.506(B)

The definition of "Solid Fence" is unclear and does not state which materials are permitted; revise
the definition to: "A fence erected or constructed to prevent views across the fence line. For the
purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing
materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material."

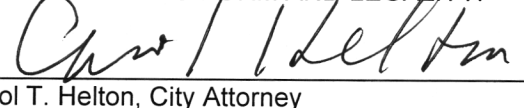
Amendment DEF3 – 157.506(B):

The definition of outdoor activity area is unclear; the terms "outdoor" and "outside" are
inconsistently used; Clarify the definition to: "The use of an area for outside activities by a
nonresidential use. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading
areas, and storage areas shall be considered outdoor activity areas. Gardens, front-facing
automobile service bays and similar uses shall not be considered outdoor activity areas."

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full
force and effect starting on April 22, 2019.


Council Member

APPROVED AS TO FORM AND LEGALITY:


Carol T. Helton, City Attorney

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2019 County and Fort Wayne Zoning Ordinance Landscape Standards Amendments Summary

This set of amendments is proposed to improve the landscape plan review and approval process by:

- 1) Clarifying the landscape standards language;
- 2) Simplifying/reducing the number of landscape codes;
- 3) Aligning the development, landscape, and residential impact mitigation standards, where they are different; and
- 4) Addressing the other landscape standards issues, and related issues that have been identified since 2014.

A summary of the proposed amendments is below; both the Allen County and Fort Wayne ordinances will be amended at this time. The effective date is proposed to be April 22, 2019. To maintain alignment with the County and Fort Wayne, the Hometown and Woodburn ordinances will also be amended after the completion of these amendments.

Draft Summary of Amendments			
No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
DS1	Development Standards 63 et al/67 et al	There are questions on the applicability of the Outside/Outdoor Activity provisions, and the nonresidential Development Standards tables have a greater rear yard setback for primary buildings with outside activity than the Landscape standards (50' setback vs. 25' buffer yard width)	Remove the “no outside activity behind the building” phrase and the “Primary building – outside activity behind the building” setback standards from the C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 districts rear yard requirements [3-2-12-5(a), et. al., and 157.212(E)(1) et. al.]
SPR1	Site Plan Review 137/167	There are issues with requiring Site Plan Review for outdoor activity areas	Change the “When Required” 3-3-3-2(b)/157.302(B)(2) language from “an outdoor activity area” to “an outdoor eating/drinking/smoking area”; add “smoking” to the Exclusion language
DDS1	Development Design Stds. 169 et al/200	There is an issue over whether an outdoor eating/drinking/smoking area should trigger the installation of a new sidewalk	Add “Sidewalks shall not be required for outdoor eating/drinking/smoking area site plan review projects” as a new Pedestrian Circulation 3-4-4-14(b)(3)/157.404(N)(2)(c)
DDS2	Development Design Standards 170 et al/200	The nonresidential Development Standards tables have a lesser side and rear yard requirement for accessory buildings than the Residential Impact Mitigation standards (25' and 40' vs. 50')	Revise the Residential Impact Mitigation Additional Height standards to: “No primary or accessory buildings or structures exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH district.” [3-4-4-15(a)/157.404(O)(1)]. Keep the primary building standards.
LS1	Landscape Standards 189 et al/225	The terms “outdoor activity area” and “outside activity area” are not used consistently; other terms also inconsistent	Change “outside activity area” to “outdoor activity area”, to match the defined term; update the language for consistency throughout the Standards [3-4-4; 157.408]
LS2	Landscape Standards 189 et al/225	The Applicability provisions are unclear	Clarify the language by putting the provisions into a list; add outdoor eating/drinking/smoking areas provisions [3-4-8-2; 157.408(B)]
LS3	Landscape Standards 190 et al/227	The landscape standards allow a fence to be substituted for screening a building or activity area, but not a mound. A mound should be permitted to be substituted, as long as an equivalent amount of screening is provided.	Add the following to the General Standards and Requirements Mounding Standards [3-4-8-4(a)(8)/157.408(D)(1)(h)]; “Where this section requires landscaping for the purpose of screening a building or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein. Mounding used for screening purposes may be located in a required yard, subject to the corner visibility provisions set forth in this ordinance.” Change the standards to a list.
LS4	Landscape Standards 191 et al/227	The landscape standards allow a fence to be substituted for screening a building or activity area, but the language allowing the substitution does not require a solid fence.	Add “a solid fence” to the Fencing Used for Screening provisions [3-4-8-4(a)(9)/157.408(D)(1)(i)]

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
LS5	Landscape Standards 191 et al/227	The nonresidential Development Standards tables have a greater side yard requirement for primary buildings than the Landscape standards (25' setback vs. 20' buffer yard); the nonresidential Development Standards tables have a greater rear yard requirement for primary buildings than the Landscape standards (50' setback vs. 30' buffer yard)	Add the following Buffer Yard language to the Landscape Standards General Standards and Requirements provisions, as a new 3-4-8-4(a)(11)/ 157.408(D)(1)(j) [Buffer Yards]: “As required herein, a buffer yard shall be an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas, and adjacent uses, buildings, structures, and streets. A buffer yard may be located within a required front, side, or rear yard building setback.”
LS6	Landscape Standards 193/229	The existing Landscape Codes table is unclear with respect to Nonresidential Outdoor Activity Areas and needs to be updated	Clarify the language and reorganize the table; renumber the B codes as necessary; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes as necessary [3-4-8-4(b)(4)/157.408(D)(2)(d)]
LS7	Landscape Standards 194/231	Several of the Landscape codes are very similar to each other; there is little difference between Code B1 and B2	Delete Landscape code B2; use existing Landscape code B1 as the standard for both adjacency situations [3-4-8-4(b)(6)/157.408(D)(2)(f)]
LS8	Landscape Standards 195/232	Several of the Landscape codes are very similar to each other; there is little difference between Code B3 and B4	Delete Landscape code B4; use existing Landscape code B3 as the standard for both adjacency situations; update the B3 language [3-4-8-4(b)(7)/157.408(D)(2)(g)]
LS9	Landscape Standards 196/233	Several of the Landscape codes are very similar to each other; there is little difference between Code B5 and B6	Delete Landscape code B6; use existing Landscape code B5 as the standard for both adjacency situations; renumber the codes [3-4-8-4(b)(8)/157.408(D)(2)(h)]
LS10	Landscape Standards 198/234	Several of the Landscape codes are very similar to each other; there is little difference between Code A1 and P2	Revise the Landscape code A1 to match the P2 code [3-4-8-4(b)(6)/157.408(D)(2)(j)]
LS11	Landscape Standards 198/234	The Nonresidential Outdoor Activity A-2 code language is unclear as to what needs to be screened	Add “screen the drive-through window and automobile stacking areas” to the A-2 code language [3-4-8-4(b)(10)/157.408(D)(2)(j)]
LS12	Landscape Standards 200/236	The Nonresidential Outdoor Activity A-4 code language is unclear as to what needs to be screened	Add “screen the drive-through window and automobile stacking areas” to the A-4 code language; add “Continuous medium shrub screen” as a standard [3-4-8-4(b)(6)/157.408(D)(2)(k)]
LS13	Landscape Standards 200/236	The Nonresidential Outdoor Activity A-5 code language requires a large shrub screen, staff feels that a medium shrub screen would be adequate	Change “Continuous large shrub screen” to “Continuous medium shrub screen” [3-4-8-4(b)(11)/157.408(D)(2)(k)]
LS14	Landscape Standards 200/236	There is currently no screening code for a new outdoor eating/drinking/smoking area	Add a new code A-5 for outdoor eating/drinking/smoking areas; renumber the A codes [3-4-8-4(b)(11) /157.408(D)(2)(k)]
LS15	Landscape Standards 203/240	It is not clear how many trees need to be provided in large parking area internal tree islands, or how large the islands need to be	Clarify the language for the number of trees and the minimum tree island square footage area in the Planting Islands Required provisions [3-4-8-4(b)(14)/ 157.408(D)(2)(n)]
LS16	Landscape Standards 204/240	In addition to the other parking area landscape standards, there are 10% and 15 % interior landscape standards, and an internal planting area drainage standard	Delete the 10% and 15 % interior landscape standards from the Additional Parking Area Landscape Standards; remove the drainage standard and the two associated graphics [3-4-8-5(b)(2) and (3)/157.408(E)(2)(b) and (c)]

Draft Summary of Amendments

No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
DEF1	Definitions – 317/361	There is no definition of buffer yard	Add the following definition of buffer yard; include that a buffer yard is not in addition to a setback standard: “For the purposes of the landscape standards, an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual developments. A buffer yard may be located within a required front, side, or rear yard building setback.”
DEF2	Definitions – 317/379	The definition of “Solid Fence” (Fence, Solid) is unclear and does not state which materials are permitted	Revise the definition to: “A fence erected or constructed to prevent views across the fence line. For the purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.” Delete the definition of “Fence, Privacy”
DEF3	Definitions – 360/394	The definition of outdoor activity area is unclear; the terms “outdoor” and “outside” are inconsistently used	Clarify the definition as shown below, and generally change the word “outside” to “outdoor” to match the defined term: “The use of an area for outside activities by a nonresidential use. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading areas, and storage areas shall be considered outdoor activity areas. Gardens, front-facing automobile service bays and similar uses shall not be considered outdoor activity areas.”

Fort Wayne Zoning Ordinance Landscape Standards Amendment Draft

Redlined Document

As recommended by the Fort Wayne Plan Commission

March 18, 2019

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum)⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building—no outside activity behind the building⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building—outside activity behind the building⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq ft	25'	5'
Over 25' or	Over 200 sq ft	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outside storage			

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§ 157.302 SITE PLAN REVIEW

(A) Purpose

The purpose of this section is to:

- (1) Provide a process that allows for administrative review of certain projects for compliance with the provisions of this ordinance.
- (2) In the DC and DE **districts**, establish plan documentation and supporting information that must be submitted to allow for the review of a project, including design review;
- (3) Allow reviewing staff to provide input on proposed projects

(B) When Required

Except as excluded in §157.302(C), any proposal for a new **building** or **structure** or **addition** to an existing **building** in the following categories that does not require the submission of a Development Plan under the provisions of §157.301, requires submittal, review and approval through the Site Plan Review process:

- (1) New individual **multiple family buildings** of over two (2) units;
- (2) A nonresidential **structure** or **building** (including a single **building** on an individual **lot** or **development site**, an **accessory structure** or **building**, **additions** to an existing **building**, a **gas station canopy** or pumps, and an outdoor ~~activity~~ eating/drinking/smoking area);
- (3) If the **Commission, Board**, or Hearing Officer determines in the course of application review that the proposal is large, complex, or raises potential unanticipated **development** impacts, the **Commission, Board**, or Hearing Officer may require that the proposed project complete the Site Plan review process.

(C) Exclusion

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

(D) Pre-Application Meetings

- (1) Prior to the submission of an application for approval of a Site Plan, a pre-application meeting between **DPS** staff and the applicant is recommended. The purpose of the pre-application meeting is to:
 - (a) Acquaint the applicant with the standards, procedures, and requirements of this ordinance and any other applicable standards or requirements;
 - (b) Review the Site Plan Review process procedures and submittal requirements;
 - (c) Acquaint the applicant with any potential issues or problems regarding the specific site or surrounding area, including **significant** cost or permit delay issues; and
 - (d) Provide the applicant with a list of application submittal requirements based on the nature and size of the proposed **development**.

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- (ii) The **development site** (including all **development** proposed as part of a primary Development Plan since April 4, 2014) contains twenty-five (25) **dwelling** units or more, or contains 5,000 square feet of nonresidential **gross floor area** or more, or both; or
- (iii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **development site** with **frontage** on that adjoining **street**.

(b) Where the Development Plan or Site Plan **development site** includes multiple **buildings** on a single **lot** or on adjoining **lots**, internal pedestrian walkways shall be provided to provide connections between the **primary building** entrances of all **primary buildings**.

~~(b)(c)~~ Sidewalks shall not be required for outdoor eating/drinking/smoking area site plan review projects.

(3) Additional Standards Applicable to **Major Subdivisions**

- (a) Sidewalks a minimum of five (5) feet in width shall be constructed to **City** standards and specifications on each side of all internal **streets** within a **Major Subdivision**, except as provided in subsection (4) below.
- (b) Sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Major Subdivision** if:
 - (i) The **Major Subdivision** (including previous or proposed later phases of the proposed **development**) contains twenty-five (25) residential **lots** or more; or
 - (ii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **subdivision** with **frontage** on that adjoining **street**.

(4) Exceptions

Sidewalks shall not be required in the **BTI (Business, Technology, and Industrial Park)**, I1 (Limited Industrial), I2 (General Industrial), or I3 (Intensive Industrial) **zoning districts**, unless the property is included on a plan showing specific trail locations that has been adopted as an amendment to the **Comprehensive Plan**; in those cases, a **multi-use trail** shall be provided in the location shown on the plan.

(O) Residential Impact **Mitigation**

All **development** must comply with the landscaping, screening, and buffering requirements in §157.408. To provide additional buffering and **mitigation** for residential **uses**, if proposed **development** on a **lot** or **parcel adjacent** to an AR, R1, R2, R3, RP, MHS, or MHP **zoning district** includes **development** other than a single **family** or **two family dwelling**, the plan shall comply with the following additional standards.

(1) Additional Height Standards

No primary ~~or accessory~~ **buildings** or **structures** exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district**.

(2) Landscaping, Screening and Buffering

- (a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and **drive-through** lanes shall meet the minimum **primary building setback**.

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§ 157.408 LANDSCAPE STANDARDS

(A) Purpose

The purpose of this section is to establish standards to provide adequate landscaping and screening and buffering between **buildings, structures**, parking areas, **driveways**, and outdoor activity areas and **adjacent uses, structures**, and **streets**. The objectives of these standards are to promote compatibility between different land **uses**; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual **developments**.

(B) Applicability

(1) The requirements in this §157.408 shall apply to all requests for approval of a Primary or Secondary Development Plan, Site Plan Review, certain **Improvement Location Permits** (including permits for new ~~outside-outdoor~~ activity areas), and Public Works parking lot permits, except that only the exterior area landscape standards shall apply in the DC, DE, and UC **districts**.

(2) These standards shall also apply to the creation of a nonresidential outlot from an existing parking area.

(3) The **Board of Zoning Appeals** and Hearing Officer may also consider and **use** these standards as **conditions** for the approval of applications.

(4) If this §157.408 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening.

(5) If there are multiple screening or buffering standards in the same area (for example, both a **building** and a parking area, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.

~~(4)~~(6) New outdoor eating/drinking/smoking areas shall always provide a solid fence to screen the area from any adjacent residential district.

(C) Landscape Plan

A landscape plan shall be submitted to show conformance with this §157.408. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 5) and shall be in a format and with supporting information as established by the **Plan Commission**.

(D) Standards and Requirements

(1) General Standards and Requirements

(a) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this §157.408. Existing trees intended to be preserved in order to meet the requirements of this section shall be protected during the construction of the project through the erection of a **fence** around the drip line of the tree.

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(b) Location of Screening and Buffering Materials

Screening and buffering materials may be located either on the **lot line**, adjoining or within a parking area, or adjoining a **building**; however, screening and buffering plants and fencing may be located within a utility **easement** only if there is no conflict created with either existing or proposed utility facilities.

(c) Parking Area Landscape Standards Applicability

The edge buffering requirements §157.408(D)(2) and the interior parking **lot** landscaping requirements in §157.408(E) shall be applicable to the following:

(i) All new primary or accessory parking areas except that:

[A] ~~The standards shall not apply to any pervious paver parking areas provided in addition to required parking; and~~

~~[B] In the DC and DE districts, the interior landscaping requirements of §157.405(E) only apply for parking areas created after April 3, 2014 with more than twenty-five (25) spaces or exceeding eight thousand (8,000) square feet.~~

(ii) Any **addition** to an existing **lot** that increases the number of spaces by more than 25 or the parking area by more than 8,000 square feet, but increases the overall area of the **lot** by less than 50%, shall have the landscape standards applied to the additional **lot** areas only (an **addition** of less than 25 spaces and less than 8,000 square feet shall not have any applicable landscape standards); ~~and~~

(iii) Any **addition** to an existing **lot** that increases the overall **lot** area by over 50% shall have the perimeter parking area landscape standards (Code P-1, P-2 or P-3 as applicable) applied to the entire **lot** perimeter.

(d) Conflicts with Existing Utility **Easements** and Facilities

If this ordinance requires the placement of landscape materials within a platted or otherwise dedicated utility **easement**, and the policies or specifications of the utility providers using that **easement** prohibit that type of landscaping within the **easement**, an alternative location may be proposed by the applicant and approved by **DPS** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(e) Conflicts with **Driveways** and Site Features

If this ordinance requires the placement of landscape materials within a location designated for a **driveway** or in a location where it would interfere with pedestrian access or with visibility of an existing permitted **sign** on the property an alternative location may be proposed by the applicant and approved by **DPS** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials, the number of trees required along **public street frontages** is not reduced by more than one tree per **street frontage**, and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(f) **Corner Visibility**

All required screening and buffering shall be subject to the standards set forth in this ordinance.

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(g) Plant Requirements

All trees and shrubs used for landscaping purposes shall be selected from the **Plan Commission's** adopted plant species list unless an alternative species is approved by **DPS** staff as part of a Development Plan or Site Plan review.

(h) Mounding Standards

~~(i) All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%. If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%. Where this section requires landscaping for the purpose of screening a building or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein.~~

~~(ii) If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%.~~

~~(+)(iii) Mounding used for screening purposes may be located in a required yard, subject to the corner visibility provisions set forth in this ordinance. All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%.~~

(i) Fencing Used for Screening

Where this section requires landscaping for the purpose of screening a **building** or outdoor activity area, a solid fence may be used to meet the screening requirement. Fencing used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance.

(j) Maintenance

(i) All plant material required by the provisions of this section shall be properly maintained in accordance with standard horticultural practices for a period of three (3) years from the date of the issuance of the **Certificate of Compliance** for the project. Any required plant or other screening material that dies or is otherwise removed during that time shall be replaced with equivalent plant or screening material by the **developer** or subsequent **owner**. If necessary, the **Planning staff** shall determine what new plant or other screening material shall be adequate to replace the dead, removed, or destroyed plant or other screening material.

~~(ii) Any required plant material that dies or is otherwise removed after the three (3) year period may also be required to be replaced if staff is notified of the removal within one year of removal.~~

(k) As required herein, a buffer yard shall be an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms/mounding, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas,

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and adjacent uses, buildings, structures, and streets. A buffer yard may be located within a required front, side, or rear yard building setback.

(2) Specific Standards and Requirements

- (a) Each application subject to this section that falls under the **building** type shown in the tables titled “Landscape Codes – **Buildings** and ~~Outside~~ Outdoor Activity Areas” or “Landscape Codes – Parking and Outdoor Display Areas” below shall include a **buffer yard** of that type, as shown the applicable “Buffer Yard Standards” table, along the edge(s) of the applicant’s property where the adjacency occurs. For example, an application with an adjacency situation identified in the Landscape Codes table as requiring a Code B-2 **buffer yard** shall include a Code B-2 **buffer yard** as defined in the Buffer Yard Standard tables. There may be more than one code required along a given property edge. In any case where a screening or buffering standard is required, an applicant may choose to provide a higher level of landscaping.

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- (d) The following landscape codes shall be applicable to the noted **building** types; **building heights**; and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTSIDE-OUTDOOR ACTIVITY AREAS			
Building Type <i>Building Height or Other Site Situation</i>		Landscape Code, if Adjacent To:	
		Residential districts	Nonresidential districts
Office, Personal Service, or Other C1 Use Building <i>Up to 30 feet high</i>		B-1	No requirement
Commercial, Retail, Industrial, or Universally Permitted Use Building <i>Up to 30 feet high</i>		B-3 B-2	No requirement
Multiple Family Building/Complex, or, -Manufactured Home Park <i>Up to two stories high</i>		B-5 B-3	B-7B-4
Nonresidential Outdoor Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-4 A-6
	Other activity area	A-3	A-5 A-7
	Storage area	A-3.1 A-4	No requirement
	Eating/drinking/smoking area	A-5	No requirement

- (e) The following landscape codes shall be applicable to the noted parking area situations:

LANDSCAPE CODES – PARKING AND OUTDOOR DISPLAY AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas over more than 50 spaces —interior landscaping (shall not apply to outdoor display areas)	P-4

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- (f) The following Code B-1 and B-2 **buffer yard** standards shall apply if an office, personal service, or other C1 use building is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office, Personal Service or Other C1 Use Building Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% <u>small ornamental</u> trees may be used	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-2		
Office/Personal Service/Other C1 Use Building Adjacent to a Residential (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% small trees may be used	75% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (g) The following Code ~~B-3B-2~~ and ~~Code B-4~~ **buffer yard** standards shall apply if a commercial, retail, ~~or industrial~~ or universally permitted use building is **adjacent** to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-3B-2		
Commercial, Retail, or Industrial or Universally Permitted Use Structure/Building Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20 feet; a minimum of 5 per façade	50% large shrub buffer in groups of at least five

PLAN

Property line
Residential district
50% large shrub buffer
Evergreen tree
20' buffer yard
Commercial, retail, industrial or universally permitted use building

ELEVATION

Residential district
Property line
20' buffer yard
Commercial, retail, industrial or universally permitted use building

CODE B-4		
Commercial, Retail, or Industrial Structure Adjacent to a Residential District (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
30'	1 evergreen tree every 20 feet; a minimum of 5 per façade	75% large shrub buffer in groups of at least five

PLAN

property line
residential district
shrub planting, 75% buffer
evergreen tree
30' buffer area
Commercial, retail or industrial use building over 30 feet high

ELEVATION

residential district
property line
30-foot wide buffer area
Commercial, retail or industrial use building over 30 feet high

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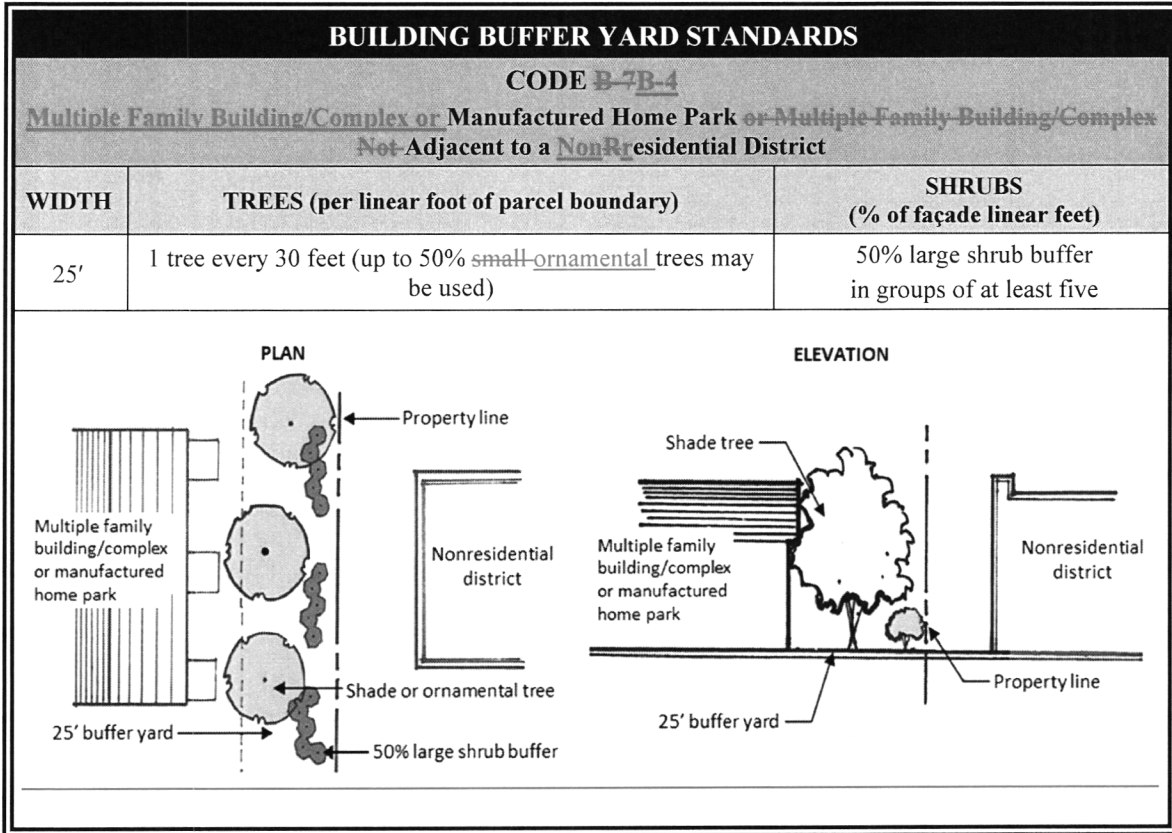
- (h) The following Code ~~B-5B-3~~ and Code ~~B-6~~ **buffer yard** standards shall apply if a multiple family building/complex or manufactured home park or multiple family building is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-5B-3		
Multiple Family Building/Complex or Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (One or Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
25'	1 tree every 30 feet (up to 50% small ornamental trees may be used)	Continuous 6' high solid wood fence
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-6		
Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (Over Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
30'	1 tree every 15 feet (up to 50% small trees may be used)	Continuous 6' high solid wood fence
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FORT WAYNE ZONING ORDINANCE

- (i) The following Code ~~B-7B-4~~ **buffer yard** standards shall apply if a multiple family building/complex or manufactured home park ~~or multiple family building~~ is not adjacent to a nonresidential district:



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- (j) The following Code A-1, A-2, A-3, ~~and A-3.1~~ A-4, and A-5 **buffer yard** standards shall apply if a nonresidential outside/outdoor activity area is **adjacent** to a **residential district**:

OUTSIDE-OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-1		
Nonresidential Driveway Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of driveway)	ADDITIONAL SCREENING
10'	1 every 30-40 feet	Continuous 6' high solid wood fence 75% large shrub buffer

PLAN

ELEVATION

OUTSIDE-OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-2		
Drive-Through Facilities Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
15' ⁽¹⁾	1 every 30 feet	Continuous 6' high solid wood fence

PLAN

The drive-through window and all automobile stacking areas are required to be screened.

ELEVATION

(1) See §157.404(O) Residential Impact Mitigation for additional standards.

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OUTSIDE-OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
Code A-3		
Certain Nonresidential Outside-Outdoor Activity Areas Adjacent to a Residential District (excluding outdoor storage areas and outdoor eating/drinking/smoking areas)		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
25'	1 evergreen tree every 20 feet	Continuous 6' high solid wood -fence, either on the property line or immediately around the activity area

PLAN

ELEVATION

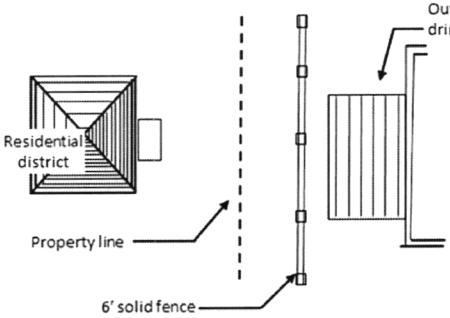
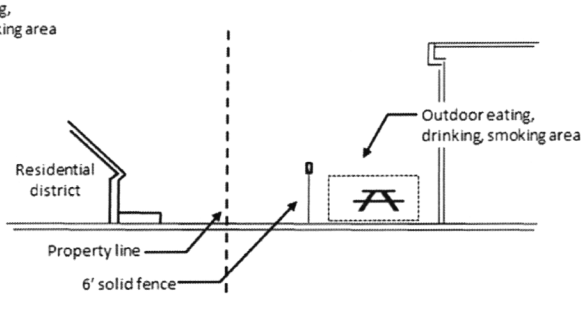
Code A-3-1A-4		
Outside-Outdoor Storage Areas Adjacent to a Residential District or a Street		
WIDTH	SCREENING	ADDITIONAL BUFFERING (% of storage area lineal feet)
10' ⁽¹⁾ (5' if a solid fence is provided)	Continuous 6' high solid wood -fence, either on the property line or immediately around the activity area; or a continuous non-solid fence, with additional evergreen tree and/or large shrub buffering	75% evergreen tree and/or large shrub buffer

PLAN

ELEVATION

(1) See §157.404(O) Residential Impact Mitigation for additional standards.

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OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS	
Code A-5	
Outdoor Eating/Drinking/Smoking Areas Adjacent to a Residential District	
REQUIRED SCREENING	
Continuous 6' high solid fence, either on the property line or immediately around the eating/drinking smoking area. ⁽¹⁾	
PLAN	ELEVATION
	
(1) A fence shall always be required to screen an eating/drinking/smoking area.	

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- (k) The following Code ~~A-4A-6~~ and Code ~~A-5A-7~~ **buffer yard** standards shall apply if a nonresidential ~~outside-outdoor~~ activity area is **adjacent** to a **nonresidential district**:

OUTSIDE-OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-4A-6		
Drive-Through Areas Not Adjacent to a NonResidential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
5'	1 tree every 30 feet	None required <u>Continuous medium shrub buffer</u>

PLAN

The drive-through window and all automobile stacking areas are required to be screened.

ELEVATION

OUTSIDE-OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-5A-7		
Other Nonresidential Activity Areas Not Adjacent to a NonResidential District		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
5'	1 every 30 feet	Continuous large-medium shrub screen <u>buffer</u>

PLAN

ELEVATION

FORT WAYNE ZONING ORDINANCE

- (l) The following Code P-1 and Code P-2 **buffer yard** standards shall apply if a parking area is **adjacent** to a **public street**, private access drive, or **residential district** except that only the tree standard in Code P-1 shall apply if the parking area is located over 300 feet from the **street right-of-way**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-1		
Parking Area Adjacent to Public Street or Private Access Drive		
WIDTH	TREES (per linear foot of parking area)	SHRUBS
5'	1 <u>shade tree</u> every 60 feet	75% small shrub buffer; up to 30% medium shrubs may be used

CODE P-2		
Parking Area Adjacent to Residential District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
10'	1 <u>shade tree</u> every 40 feet	75% large shrub buffer

FORT WAYNE ZONING ORDINANCE

- (m) The following Code P-3 **buffer yard** standards shall apply if a parking area is **adjacent** to a **nonresidential district**:

CODE P-3 Parking Area Adjacent to a Commercial Zoning District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
5'	1 shade tree every 60 feet	50% small shrub buffer (in groups of at least 3)

NON-RESIDENTIAL DISTRICT

60'

50% small shrub buffer
5' wide planting bed

FORT WAYNE ZONING ORDINANCE

- (n) The following Code P-4 interior landscaping standards shall apply to a parking area of over 50 spaces:

PARKING AREA BUFFER YARD STANDARDS	
CODE P-4	
Parking Area Over 50 Spaces Interior Landscaping Parking Areas More Than 50 Spaces (Shall Not Apply to Outdoor Display Areas)	
PLANTING AREA ISLAND SIZE PER TREE (square feet)	PLANTING ISLANDS REQUIRED (At each end of parking bays) ADDITIONAL PLANTING ISLANDS (Per each parking bay with more than 20 spaces)
<p>300 200 square feet <u>minimum planting area per tree</u></p>	<ul style="list-style-type: none"> • A planting island shall be provided at the end of each parking bay or parking row — <u>Internal planting islands shall contain a minimum of 400 square feet</u> • A double parking row shall require Two shade trees shall be provided per internal planting island (as shown below) <u>One island of at least 300 square feet per parking bay</u> • <u>An additional planting island shall be provided if the row has more than 25 spaces</u> <u>One internal island of at least 300 400 square feet per parking bay shall be provided if the row of parking has more than 25 spaces</u>

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(E) Additional Parking Area Landscape Standards

(1) Screening and Buffering

Screening and buffering of off-street parking areas shall be provided to meet the requirements of §157.408(D)(2).

(2) Planting Areas

The following **landscape planting area** requirements shall be calculated based on the gross square footage of the parking areas (not including **driveways** that are not **adjacent** to any **parking space**).

~~(a)~~ Except as set forth in §157.408(E)(2)(b) and (c) below, a minimum of 10% of the interior surface parking lot area shall be landscaped (in addition to any perimeter screening or buffering required per §157.408(D)(2)).

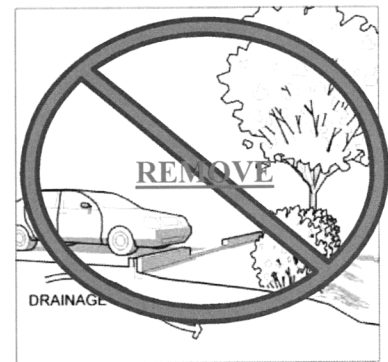
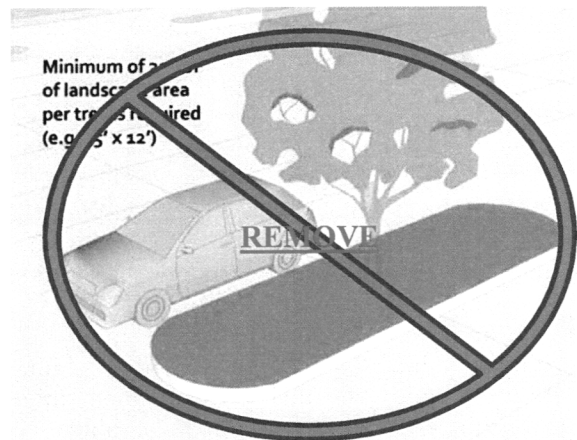
~~(b)~~ In surface parking lots over 100,000 square feet in size, a minimum of 15% of the interior parking area shall be landscaped (in addition to any perimeter screening or buffering required per §157.408(D)(2)).

~~(e)(a)~~ A minimum of ~~300~~ 200 square feet of planting area shall be provided per tree.

~~(d)~~ Required perimeter and interior landscaped areas shall maximize effective stormwater management by installing required interior planting areas at a lower grade than the parking lot pavement, with curbing that includes openings allowing drainage from the pavement to enter and percolate through the interior landscape areas. If approved by DPS staff, other planting areas may be designed and planted to be used for stormwater conveyance.

~~(e)(b)~~ If approved by DPS staff, the internal planting areas may be designed and planted to be used for stormwater conveyance.

~~(f)(c)~~ Each parking lot that serves a multi-family residential, commercial, public, institutional, civic, or mixed use and contains any parking spaces located more than 300 feet from the closest pedestrian entrance to the primary building shall contain at least one pedestrian walkway (which may be a site perimeter sidewalk) allowing pedestrians to pass from the furthest row of parking to the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least five (5) feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five (5) feet to accommodate the walkway without reducing the amount of landscaped area.



FORT WAYNE ZONING ORDINANCE

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

For the purposes of the landscape standards, an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms/mounding, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual developments. A **buffer yard** may be located within a required front, side, or rear yard building setback.

Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport, deck, gazebo, open porch, tent, and recreational vehicle** shall not be considered **buildings**.

Building, Detached

A **building** having no structural connection with another **building**.

Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A **mixed use development** that contains both residential and **nonresidential uses** is a **nonresidential building**. Any institutional **use**, other than a **small group residential facility**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital, university, religious institution, or school**, is a **nonresidential use**.

Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-tenant **buildings** shall also be permitted. In calculating the square footage of a residential **primary building**, all enclosed areas, including attics, basements, and attached **garages**, shall be included.

Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family, two family, or multiple family dwelling units**) or a **small group residential facility**.

Building, Semi-Detached

A main **building** having one **wall** in common with an **adjacent main building**.

Building Bay

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

FORT WAYNE ZONING ORDINANCE

Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Federal Aviation Administration (FAA) (see Airport Overlay District definitions)

Federal Aviation Regulations (FAR) (see Airport Overlay District definitions)

Fee

The charge for an application or other service as established by the **Fort Wayne Plan Commission** or other entities of Fort Wayne duly authorized to establish **fees**.

Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

FEMA (see Floodplain regulations - §157.412(B), Definitions)

Fence

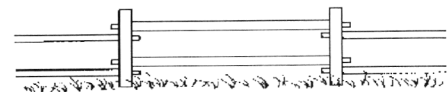
A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking **lot** wheel stops; and similar barriers/partitions that are less than 12 inches high. The posts, concrete for the posts and attachment of the **fence** to the posts shall be contained within the **lot** where the **fence** is located. This definition shall include a **freestanding wall**.

Fence, Agricultural

A **fence** erected for and used in conjunction with land which is zoned or otherwise designated as agricultural land, or used for growing crops or raising livestock. An **agricultural fence** may use a single strand of barbed wire or a single strand of electrically charged material

Fence, Open

A **fence** that is less than 50% opaque when viewed perpendicularly to its vertical surface.



Open Fence

Fence, Ornamental

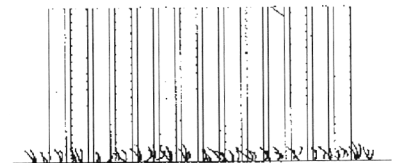
An **open fence** intended to partition or enclose a property or a portion of a property. **Ornamental fences** shall include, but not be limited to split rail, picket, wrought iron, and similar style **open fences**. Chain link fencing is not an ornamental fencing material.

Fence, Privacy

A ~~solid fence~~ erected or constructed to prevent views across the **fence** line.

Fence, Solid

A ~~fence~~ that is at least 50% opaque when viewed perpendicularly to its vertical surface erected or constructed to prevent views across the **fence** line. For the purposes of the landscape standards, wood or vinyl panels



Solid Fence

FORT WAYNE ZONING ORDINANCE

shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.

Fence or Wall Height

The height of a **fence** or **wall** shall be measured as the vertical distance between finished grade on the highest side of the **fence** or **wall** to the top of the **fence** or **wall**.

Fill

Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

Financial Planning Service

An establishment that provides services to help determine a **person's** or firm's financial needs or goals for the future and the means to achieve them by deciding what investments or activities would be most appropriate under both personal and broader economic circumstances.

Flood (see Floodplain regulations - §157.412(B), Definitions)

Flood Boundary and Floodway Map (FBFM) (see Floodplain regulations - §157.412(B), Definitions)

Flood Insurance Rate Map (FIRM) (see Floodplain regulations - §157.412(B), Definitions)

Flood Insurance Study (FIS) (see Floodplain regulations - §157.412(B), Definitions)

Flood Prone Area (see Floodplain regulations - §157.412(B), Definitions)

Flood Protection Grade (see Floodplain regulations - §157.412(B), Definitions)

Floodplain (see Floodplain regulations - §157.412(B), Definitions)

Floodplain Management (see Floodplain regulations - §157.412(B), Definitions)

Floodplain Management Regulations (see Floodplain regulations - §157.412(B), Definitions)

Floodproofing (Dry Floodproofing) (see Floodplain regulations - §157.412(B), Definitions)

Floodproofing Certificate (see Floodplain regulations - §157.412(B), Definitions)

Floodway (see Floodplain regulations - §157.412(B), Definitions)

Food and Beverage Service

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; **farmers 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.

Fraternal Organization

A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings and formal written membership requirements.

Fraternity House

A **building**, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other **educational institution**.

FORT WAYNE ZONING ORDINANCE

Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

One-Percent Annual Chance Flood (see Floodplain regulations - §157.412(B), Definitions)

Onsite Sewage System

All equipment and devices used for conduction, collection, **storage**, treatment, and on-site disposal of sewage using a soil absorption field or Permitted Discharge System, for a property not served by a sanitary sewerage system. The term shall include conventional, alternative, and experimental **onsite sewage system** technologies and components, and privies approved by the Indiana State **Department of Health** for use in the state. An **onsite sewage system** shall also include a private septic system.

Onsite Sewage System Suitability Zone

An area of land delineated on a survey, supplemental document or plot plan, determined under the review of the **Department of Health**, provided in effort to protect soil most suitable for the installation and operation of a private **onsite sewage system**.

Open Fence (see “Fence, Open”)

Open Use of Land

An outdoor **use** that is operated with no **primary buildings** or **structures**, excluding a quarry operation.

Ornamental Fence (see “Fence, Ornamental”)

Outdoor Activity Area

The **use** of an area for outside activities by a **nonresidential use**, ~~such as **Drive-through areas**, **dumpsters**, **eating/drinking/smoking areas**, **loading areas**, **mechanical equipment**, **outside eating/drinking areas**, and **outside storage areas**~~ shall be considered **outdoor activity areas**. Gardens, front-facing **automobile service** bays and similar **uses** shall not be considered **outdoor activity areas**.

Outdoor Display

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a **structure** consisting of **walls** and a roof. **Outdoor display** shall not mean **yard sales** as defined in this ordinance.

Outdoor Sales, Permanent

The **use** of a portion of a property for the accessory storage and sales of items such as ice, magazines, newspapers, propane, vending machine sales, and videos.

Outdoor Storage

The keeping of goods, materials or equipment in a location not enclosed by **walls** and a roof.

Outlot

A **building** site available for retail or other nonresidential **development**, typically part of a larger commercial **development** or site.

Owner

Any **person** having record title.

Painted Graphics

Any advertisement painted directly onto the **wall** of a **building**.

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-2019-0004
Bill Number: G-19-02-22
Council District: All districts

Introduction Date: February 26, 2019

Plan Commission
Public Hearing Date: March 11, 2019

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) Landscape Standards, and related amendments

Location: Within the planning jurisdiction of Fort Wayne

Applicant: The Fort Wayne Plan Commission

Related Petitions: A similar amendment is being proposed to the Allen County Zoning Ordinance

Effect of Passage: These amendments are proposed to improve the landscape plan review and approval process by:

- 1) Clarifying the landscape standards language, where it is unclear;
- 2) Simplifying/reducing the number of landscape codes;
- 3) Aligning the residential mitigation, development standards, and landscape standards, where they are different; and
- 4) Addressing the other landscape standards issues, and related issues, that have been identified since 2014.

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified with the current landscape standards

REPORT OF COMMITTEE ON REGULATIONS

April 9, 2019

Michael Barranda Chair

Tom Freistroffer Co-Chair

All Council Members

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

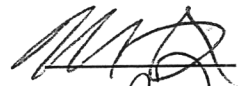
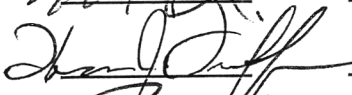
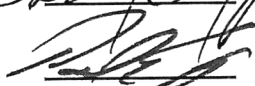


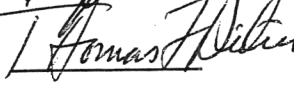
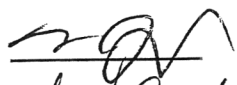
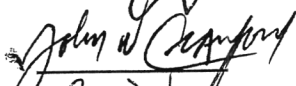
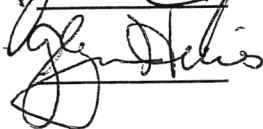
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

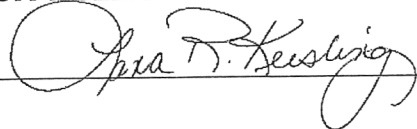
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

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: April 9, 2019


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
General Ordinance No. G-19-02-22 on the 9th day of April, 2019

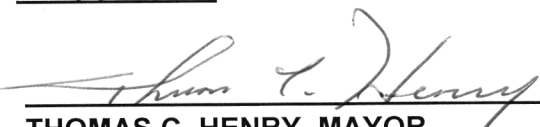

LANA R. KEESLING
CITY CLERK

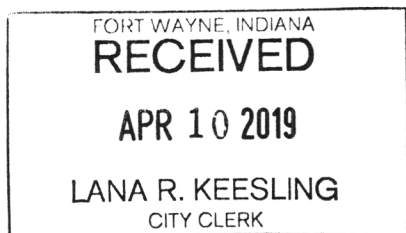

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th
of April 2019, at the hour of 9:35 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 9TH day of APRIL
2019, at the hour of 10:30 o'clock AM E.S.T.


THOMAS C. HENRY, MAYOR



Amendment LS2 – 157.408(B):

The Applicability provisions are unclear; clarify the language by putting the provisions into a list; add outdoor eating/drinking/smoking areas provisions

Amendment LS3 – 157.408(D)(1)(h):

The landscape standards allow a fence to be substituted for screening a building or activity area, but not a mound. Add the following to the General Standards and Requirements Mounding provisions: “Where this section requires landscaping for the purpose of screening a building or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein. Mounding used for screening purposes may be located in a required yard, subject to the corner visibility provisions set forth in this ordinance.”

Amendment LS4 – 157.408(D)(1)(i):

The landscape standards allow a fence to be substituted for screening a building or activity area, but the language allowing the substitution does not require a solid fence; add “a **solid** fence” to the Fencing Used for Screening provisions

Amendment LS5 – 157.408(D)(1)(j):

It is not clear that a buffer yard can be located within a required front, side, or rear yard setback; add the following Buffer Yard language to the Landscape Standards General Standards and Requirements provisions, as a new 157.408(D)(1)(j)[Buffer Yards]: “As required herein, a buffer yard shall be an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas, and adjacent uses, buildings, structures, and streets. A buffer yard may be located within a required front, side, or rear yard building setback.”

Amendment LS6 – 157.408(D)(2)(d):

The existing Landscape Codes table is unclear with respect to Nonresidential Outdoor Activity Areas and needs to be updated; clarify the language and reorganize the table; renumber the B codes as necessary; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes as necessary

Amendment LS7 – 157.408(D)(2)(f):

Several of the Landscape codes are very similar to each other; there is little difference between Code B1 and B2; delete Landscape code B2; use existing Landscape code B1 as the standard for both adjacency situations

Amendment LS8 – 157.408(D)(2)(g):

Several of the Landscape codes are very similar to each other; there is little difference between Code B3 and B4; delete Landscape code B4; use existing Landscape code B3 as the standard for both adjacency situations

Amendment LS9 – 157.408(D)(2)(h):

Several of the Landscape codes are very similar to each other; there is little difference between Code B5 and B6; delete Landscape code B6; use existing Landscape code B5 as the standard for both adjacency situations

Amendment LS10 – 157.408(D)(2)(j):

Several of the Landscape codes are very similar to each other; there is little difference between Code A1 and P2; revise the Landscape code A1 to match the P2 code; re-number the B codes so they are in numerical order

Amendment LS11 – 157.408(D)(2)(j):

The Nonresidential Outdoor Activity A-2 code language is unclear as to what needs to be screened; add “screen the drive-through window and automobile stacking areas” to the A-2 code language

Amendment LS12 – 157.408(D)(2)(k):

The Nonresidential Outdoor Activity A-4 code language is unclear as to what needs to be screened; add “screen the drive-through window and automobile stacking areas” to the A-4 code language; add “Continuous medium shrub screen” as a standard

Amendment LS13 – 157.408(D)(2)(k):

The Nonresidential Outdoor Activity A-5 code language requires a large shrub screen, staff feels that a medium shrub screen would be adequate; change “Continuous large shrub screen” to “Continuous medium shrub screen”

Amendment LS14 – 157.408(D)(2)(k):

There is currently no screening code for a new outdoor eating/drinking/smoking area; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes

Amendment LS15 – 157.408(D)(2)(n):

It is not clear how many trees need to be provided in large parking area internal tree islands, or how large the islands need to be; clarify the language for the number of trees and the minimum tree island square footage area in the Planting Islands Required provisions

Amendment LS16 – 157.408(E)(2)(b) and (c):

In addition to the other parking area landscape standards, there are 10% and 15 % interior landscape standards, and an internal planting area drainage standard; delete the 10% and 15 % interior landscape standards from the Additional Parking Area Landscape Standards; remove the drainage standard and the two associated graphics

Amendment DEF1 – 157.506(B):

There is no definition of buffer yard; add the following definition of buffer yard; “For the purposes of the landscape standards, an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual developments. A buffer yard may be located within a required front, side, or rear yard building setback.”

Amendment DEF2 – 157.506(B)

The definition of “Solid Fence” is unclear and does not state which materials are permitted; revise the definition to: “A fence erected or constructed to prevent views across the fence line. For the purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.”

Amendment DEF3 – 157.506(B):

The definition of outdoor activity area is unclear; the terms “outdoor” and “outside” are inconsistently used; Clarify the definition to: “The use of an area for outside activities by a nonresidential use. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading areas, and storage areas shall be considered outdoor activity areas. Gardens, front-facing automobile service bays and similar uses shall not be considered outdoor activity areas.”

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on April 22, 2019.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney