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4 **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT**
5 **WAYNE TO REFER A PROPOSAL FOR AN AMENDMENT OF THE FORT**
6 **WAYNE ZONING ORDINANCE TO THE PLANNING COMMISSION FOR**
7 **ITS RECOMMENDATION**
8

9 **WHEREAS**, a zoning ordinance applicable to the City of Fort Wayne has been established
10 and was done so pursuant to IC 36-7-4-602 (the "Zoning Ordinance"); and
11

12 **WHEREAS**, the Common Council of the City of Fort Wayne desires to amend the Zoning
13 Ordinance to address the number of permitted and special uses for gas stations available in the
14 existing zoning categories; and
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16 **WHEREAS**, Common Council believes gas stations are negatively impacting the City of
17 Fort Wayne by contributing to the food deserts in certain portions of the City; and
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19 **WHEREAS**, Common Council believes it is in the best interest of the health and safety of
20 Fort Wayne residents to reduce the number of zoning categories that allow for gas stations to
21 operate, whether by permitted or special use; and
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23 **WHEREAS**, notwithstanding the above, Common Council understands that there is a
24 need for some form of zoning category that permits gas station operation to remain after the
25 Zoning Ordinance is amended; and
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27 **WHEREAS**, in consideration of the abovementioned factors, Common Council wishes to
28 refer a proposal to the planning commission for its recommendation pursuant to IC 36-7-4-602
29 for an amendment of the Fort Wayne Zoning Ordinance to eliminate the availability of special
30 use variances for gas station operations in zoning districts: Limited Commercial (C2), Downtown
31 Edge (DE), Limited Industrial (I1), General Industrial (I2) and Neighborhood Center (NC); and
32

33 **WHEREAS**, the resolution, as permitted by IC 36-7-4-602, serves to refer a proposed
34 amendment to the Zoning Ordinance to the plan commission as Common Council cannot
35 finalize the proposed amendment to the Zoning Ordinance until it receives the certified
36 recommendation, whether favorable, unfavorable or no recommendation, from the planning
37 commission.
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1 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT**
2 **WAYNE, INDIANA, AS FOLLOWS:**

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4 **SECTION 1.** The Common Council refers the following proposed amendments to the Zoning
5 Ordinance for recommendation:

6 **AMENDMENTS TO THE ZONING ORDINANCE OF FORT WAYNE**

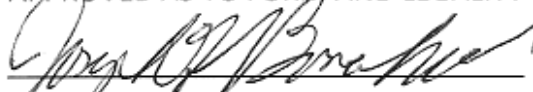
- 7 1. For C2 Limited Commercial special use – gas station, delete in its entirety: “§
8 157.213(C)(5) Gas Station”, and replace with: “§ 157.213(C)(5)
9 [INTENTIONALLY LEFT BLANK]”;
- 10 2. For NC Neighborhood Center special use – gas station, delete in its entirety: “§
11 157.214(C)(5) Gas Station”, and replace with: “§ 157.214(C)(5)
12 [INTENTIONALLY LEFT BLANK]”;
- 13 3. For DE Downtown Edge special use – gas station, delete in its entirety: “§
14 157.219(C)(7) Gas Station”, and replace with: “§ 157.219(C)(7)
15 [INTENTIONALLY LEFT BLANK]”;
- 16 4. For I1 Limited Industrial special use – gas station, delete in its entirety: “§
17 157.222(C)(3) Gas Station”, and replace with: “§ 157.222(C)(3)
18 [INTENTIONALLY LEFT BLANK]”;
- 19 5. For I2 Limited Industrial special use – gas station, delete in its entirety: “§
20 157.223(C)(3) Gas Station”, and replace with: “§ 157.223(C)(3)
21 [INTENTIONALLY LEFT BLANK]”

22 **SECTION 2.** The City Clerk is hereby authorized and directed to distribute a copy of this
23 resolution containing the proposed amendments to the Planning Commission.

24 **SECTION 3.** This resolution shall be effective from and after passage.
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31 
32 _____
33 Glynn Hines, City
34 Council Member
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37

38 APPROVED AS TO FORM AND LEGALITY

39 
40 _____
41 Joseph G. Bonahoom, City Council Attorney
42

BILL NO. R-18-11-24

REPORT OF COMMITTEE ON REGULATIONS

November 27, 2018

Paul Ensley Chair

Thomas Didier Co-Chair

All Council Members

Resolution of the Common Council of the City of Fort Wayne to refer a proposal for an amendment of the Fort Wayne Zoning Ordinance to the Planning Commission for its recommendation






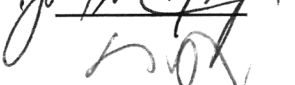
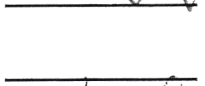

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

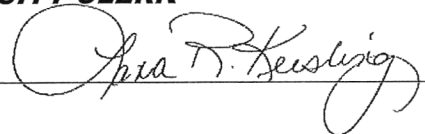
DO NOT PASS

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 Ensley.

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

Read the third time in full and on motion by Councilman Ensley, 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 type="checkbox"/>	<input checked="" 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 27, 2018



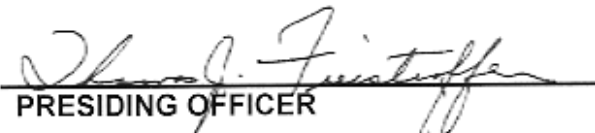
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-18-11-24 on the 27th day of November, 2018



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th of November 2018, at the hour of 9:25 o'clock A.M. E.S.T.




 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 28TH day of November

2018, at the hour of 2:00 O'clock PM E.S.T.

RECEIVED
 NOV 29 2018
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR