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#REZ-2023-0040

BILL NO. Z-23-08-06

ZONING MAP ORDINANCE NO. Z- 36-23

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No L-10 (Sec. 2 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated a DE
(Downtown Edge) District under the terms of Chapter 157 Title XV of the Code of the City of
Fort Wayne, Indiana:

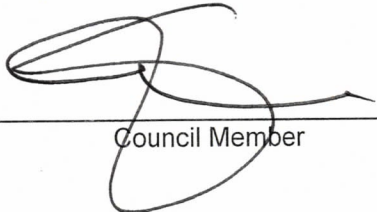
Subdivision Name	Legal Description	Parcel Number
North Side Addition	Lots 38, 40, 42, 44, 46, 48, 50, 52, 54, & 63 Through 65 & 69 Through 80 & Vacated Alley & Streets	02-12-02-181-016.000-074
North Side Addition	Lots 49 & 51	02-12-02-181-008.000-074
North Side Addition	Lot 53	02-12-02-181-009.000-074
North Side Addition	Lot 55 & N 10' Of Lot 57	02-12-02-181-010.000-074
North Side Addition	Nw Frl Lot 59, All Lots: 60, 61, & 62 Ex E 53.27' Lots 60 Through 62	02-12-02-181-019.000-074
North Side Addition	E 53.27' Lots 60 Through 62	02-12-02-181-019.001-074
North Side Addition	Lots 56 & 58	02-12-02-181-013.000-074
Together With		
Wells Reserve	Pt of Lot 7 adj on S	02-12-02-181-013.000-074
North Side Addition	Lot 66 & Lot 68 Ex Frl Sw Pt & Lot 67 Ex Frl S 35.8'	02-12-02-181-021.000-074
Together With		
Wells Reserve	Pt Lot 7 Adj on E	02-12-02-181-021.000-074

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and the symbols of the City of Fort Wayne Zoning Map No. L-10 (Sec. 2 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.


SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY:



Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number(s): REZ-2023-0040
Bill Number: Z-23-08-06
Council District: 5-Geoff Paddock

Introduction Date: August 8, 2023

Plan Commission
Public Hearing Date: August 14, 2023 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 6.47 acres from I2/General Industrial and UC/Urban Corridor to DE/Downtown Edge accompanied by a proposed Riverfront Overlay District.

Location: 1207 N Harrison Street, 1116 Wells Street, 1130 Wells Street, 1010 Cass Street, and 1022 Cass Street (Section 2 of Wayne Township)

Reason for Request: Proactive rezoning of parcels to align zoning with the proposed Riverfront Overlay District and to implement recommendations of the Riverfront Development Implementation Framework.

Applicant: Fort Wayne Plan Commission

Property Owners: Various; see project file

Related Petitions: Petitions ZORD-2023-0003, REZ-2023-0038, -39, -41, and -42 are being collectively brought forward by the Fort Wayne Plan Commission for consideration by the Fort Wayne Common Council.

Effect of Passage: Properties will be rezoned to the DE/Downtown Edge district, aligning the zoning with the proposed Riverfront Overlay District and to implement recommendations of the Riverfront Development Implementation Framework.

Effect of Non-Passage: Properties will remain zoned I2/General Industrial and UC/Urban Corridor, zoning districts which may hinder the implementation of the previously approved Riverfront Development Implementation Framework and the proposed Riverfront Overlay District and Design Manual that will accompany this rezoning.

Department of Planning Services

Rezoning Petition Application

Applicant
 Applicant Fort Wayne Plan Commission
 Address 200 East Berry Street
 City Fort Wayne State IN Zip 46802
 Telephone (260) 449-7607 E-mail _____

Property Ownership
 Property Owner N/A - City of Fort Wayne Riverfront Overlay District Rezoning Application
 Address See attached for detailed property listing and current ownership
 City _____ State _____ Zip _____
 Telephone _____ E-mail _____

Contact Person
 Contact Person Sarah Jones
 Address 200 East Berry Street, Suite 150
 City Fort Wayne State IN Zip 46802
 Telephone (260) 449-7607 E-mail sarah.jones@co.allen.in.us

All staff correspondence will be sent only to the designated contact person.

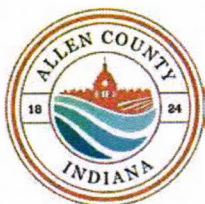
Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property See attached Township and Section See attached
 Present Zoning See attached Proposed Zoning See attached Acreage to be rezoned See attached
 Purpose of rezoning (attach additional page if necessary) _____
City of Fort Wayne Design Manual Update Project and Riverfront Overlay District
See attached for detailed property listing and current ownership
 Sewer provider n/a Water provider n/a

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
 Filing fee \$1000.00
 Surveys showing area to be rezoned
 Legal Description of parcel to be rezoned
 Rezoning Criteria (please complete attached document)

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Fort Wayne and Allen County Plan Commissions as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that

 (printed name of applicant) (signature of applicant) (date)

 (printed name of property owner) (signature of property owner) (date)



Received	Receipt No.	Hearing Date	Petition No.
----------	-------------	--------------	--------------

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org





DEPARTMENT OF PLANNING SERVICES

Citizens Square
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

260.449.7607 Office
260.449.7682 Fax
www.allencounty.us/dps



MEMORANDUM

To: Fort Wayne Plan Commission
From: Co-Project Managers – Downtown Design Manual Update Project
Date: May 10, 2023
Subject: Downtown Design Manual Project – Update and Initiation of Rezoning to DC/DE

This letter serves to inform the Fort Wayne Plan Commission of Staff's intent to update you regarding the status of the Fort Wayne Updated Downtown Design Manual Project.

Community Development and Department of Planning Services Staff are jointly managing this project.

Staff previously presented an update of the project at the February 20, 2023 Fort Wayne Plan Commission Business Meeting, where staff requested that the Plan Commission Initiate the following items: (1) Adoption of the Updated Downtown Design Manual; (2) Downtown Design Standards Zoning Ordinance Amendment; and (3) Riverfront Overlay Zoning District Amendment.

Staff will present an additional update of the project at the May 15, 2023 Plan Commission Business Meeting.

In addition to the update, staff will request for the Plan Commission to Initiate:

- The Rezoning of certain portions of the projected Riverfront Overlay Zoning District area to DC or DE as applicable.

Submitted by the Downtown Design Manual Project Co-Project Managers:

Sarah Jones, AICP
Senior Planner | Special Projects
Department of Planning Services

Russell Garriott
Senior Planner | Planning and Policy
Fort Wayne Community Development



Rezoning Petition REZ-2023-0040 - Wells Street



Although some accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 7/25/2023

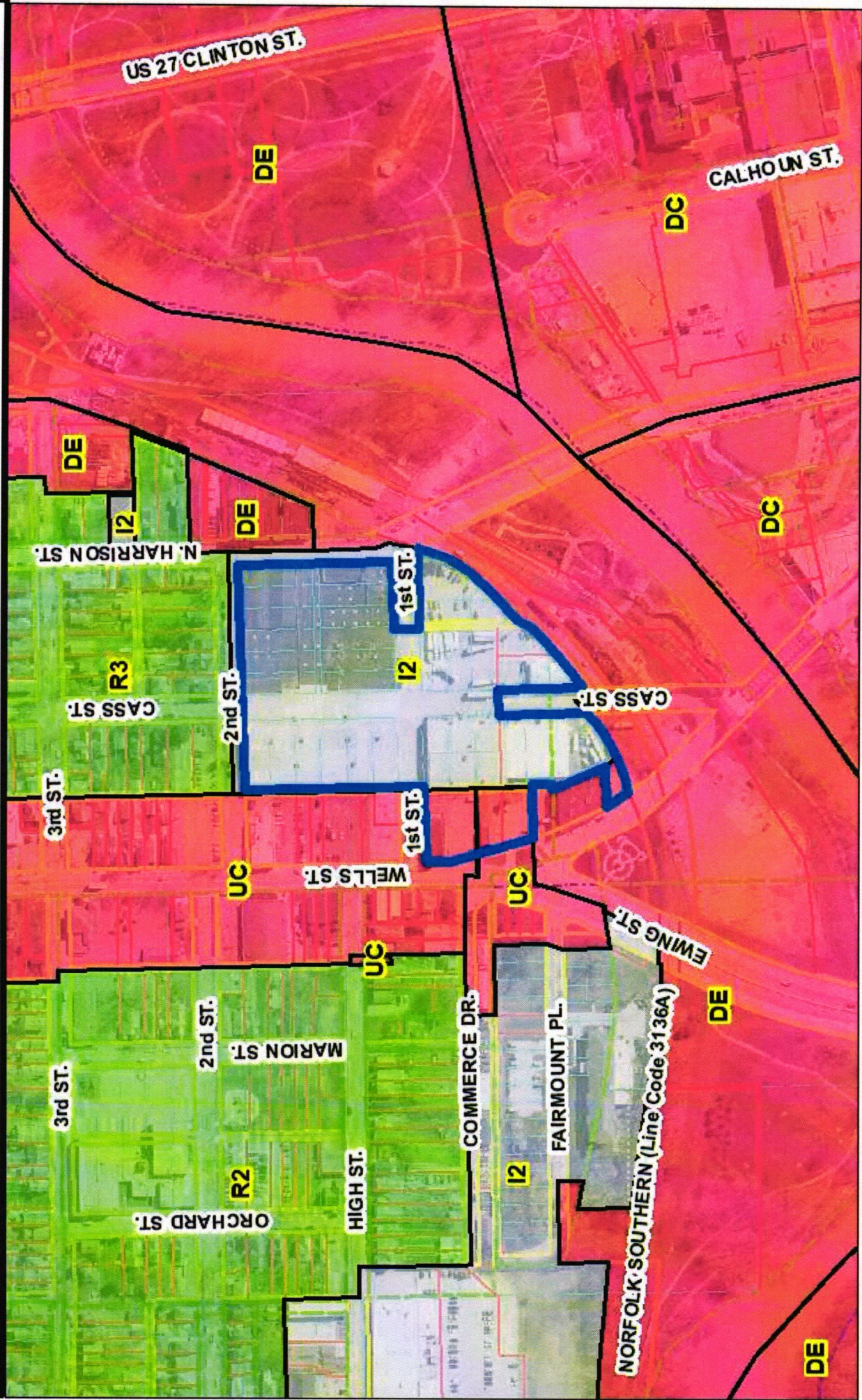


1 inch = 250 feet



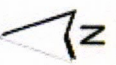
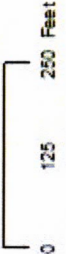


Rezoning Petition REZ-2023-0040 - Wells Street



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 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 7/25/2023

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1 inch = 250 feet

FACT SHEET

Case #ZORD-2023-0003	Bill # G-23-08-03	Project Start: July 2023
Case #REZ-2023-0038	Bill # Z-23-08-04	Project Start: July 2023
Case #REZ-2023-0039	Bill # Z-23-08-05	Project Start: July 2023
Case #REZ-2023-0040	Bill # Z-23-08-06	Project Start: July 2023
Case #REZ-2023-0041	Bill # Z-23-08-07	Project Start: July 2023
Case #REZ-2023-0042	Bill # Z-23-08-08	Project Start: July 2023

APPLICANT:	Fort Wayne Plan Commission
REQUEST:	Design Standards Ordinance Amendment and Riverfront Overlay Zoning District and Rezoning to DE/DC
REZONING LOCATIONS:	Various; see file
LAND AREA:	Approximately 17.75 acres
PRESENT ZONING:	R2/Two Family Residential, I1/Limited Industrial, I2/General Industrial, and UC/Urban Corridor
PROPOSED ZONING:	DE/Downtown Edge
COUNCIL DISTRICT:	5-Geoff Paddock
SPONSOR:	City of Fort Wayne Plan Commission

August 14, 2023 Public Hearing

- Six individuals spoke at the hearing.
- Karen Richards was absent.

August 21, 2023 Business Meeting

- Tom Freistroffer was absent.

ZORD-2023-0003

Plan Commission Recommendation: DO PASS

A motion was made by Ryan Neumeister and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

REZ-2023-0038

Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

REZ-2023-0039

Plan Commission Recommendation: DO PASS

A motion was made by Ryan Neumeister and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

REZ-2023-0040

Plan Commission Recommendation: DO PASS

A motion was made by Karen Richards and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

REZ-2023-0041

Plan Commission Recommendation: DO PASS

A motion was made by Paul Sauerteig and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

REZ-2023-0042

Plan Commission Recommendation: DO PASS

A motion was made by Ryan Neumeister and seconded by Karen Richards to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
September 6, 2023

PROJECT HISTORY AND DISCUSSION

The purpose of this request is to ask the Commission to recommend approval of the Design Standards Ordinance Amendment and the Riverfront Overlay District (ZORD-2023-0003). This approval recommendation is aligned with the approval of the Downtown Design Manual Update and recommendation of the approval of the proactive rezoning of affected project areas to DE and DC (REZ-2023-0038; REZ-2023-0039; REZ-2023-0040; REZ-2023-0041; REZ-2023-0042).

If approved, these amendments will be to implement the zoning ordinance related requirements from the updated Downtown Design Manual, which incorporates guidance from the Riverfront Development Implementation Framework. The amendments are intended to ensure that the city continues to achieve high quality development for both privately financed and publicly supported projects, furthering the goals and strategies of adopted Downtown plans.

The ordinance amendments are intended to put the requirements set forth in the Design Manual into the City's Zoning Ordinance. As part of the ordinance amendment portion of this project, the following sections of the current Zoning Ordinance (Chapter 157) are proposed to be amended:

§157.113 Overlay Districts	§157.404 Development Design Standards
§157.218 DC Downtown Core	§157.407 Parking
§157.219 DE Downtown Edge	§157.408 Landscape Standards
§157.301 Development Plans	§157.410 Riverfront Overlay District (new section)
§157.302 Site Plan Review	§157.506 Definitions
§157.402 Accessory Structures and Uses	

Key Updates in the Design Manual and Zoning Ordinance Amendment – Applies to Applicable Development Proposals in the DC or DE districts

- New Guidance for Building Design section including height, setbacks, and façade design; required elements were incorporated into the zoning ordinance amendment.
- New Guidance for Site Elements section including accessory -structures, setbacks for active uses, lighting, and parking structures; required elements were incorporated into the zoning ordinance amendment.
- Updated and aligned drive-through facilities design standards to ensure that pedestrians are not compromised by wide or multiple lane traffic crossing the sidewalk; required elements were incorporated into the zoning ordinance amendment.
- A Restaurant with Drive-Through use is no longer permitted in the DC and DE districts, but is available as a Special Use option along arterial roadways.
- An updated Design Review Process has been created to include a formalized pre-preview process; required elements were incorporated into the zoning ordinance amendment.
- The Public Streetscape section includes an updated Streetscape Template Map.
- New guidance for Urban Design section including sustainability, green infrastructure, and other site guidelines.
- Incorporated a new Riverfront Overlay District; required elements were incorporated into the zoning ordinance amendment as a new Section 157.410, specifically:
 - **Purpose**
To create an area of high-quality design within a river-focused context, following the guidance of the Riverfront Development Implementation Framework Plan. The overlay provides standards that preserve important viewsheds and public access to and from the river as new development and redevelopment occurs. The Riverfront Overlay and its regulating plan foster a diversity of activities in the public realm and on private property that creates a varied riverfront pedestrian experience.

- **Required Key Features**

- Frontages: Primary, Secondary, and Riverfront
- Prohibited Use: Drive-through facilities
- New Use: Artisan Space
- Height: Minimum 2 occupiable stories and 20 feet, maximum 80 feet
- Stepbacks: On Riverfront facades, buildings taller than 4 stories shall setback additional stories at least 10 feet from property line (if less than 80 feet from edge of riverbank, as measured by property boundary).
- Transparency: Minimum of 50% of ground-floor facades must be transparent, upper stories along Riverfront frontage needs to be at least 25%.
- Entrances: Publicly-accessible entrance for business or commercial uses on a Riverfront frontage.
- Open Space and Plazas: Allowing buildings along designated frontages to setback further with enhanced activation.

In terms of public input and outreach opportunities for the project, in addition to this Plan Commission public hearing, the following took place:

- *An 11-member Advisory Committee was created, representing the following key stakeholders:*
 - Architects/Designers
 - Business Owners
 - Downtown Improvement District
 - Design Review Committee
 - Developers
 - Fort Wayne Common Council
 - Plan Commission
 - Property Owners
- *A Staff Review Team was established, with the following departments represented:*
 - Planning and Policy-CD
 - Redevelopment-CD
 - Department of Planning Services
 - Parks and Recreation
 - Public Works
 - City Utilities
- *Additional stakeholders were engaged via interviews, focus groups, and other outreach, including:*
 - Developers
 - Architects and Designers
 - Land Use Attorneys
 - Design Review Committee
 - Community/Economic Organizations
 - Community/Neighborhood Organizations
- *An open house was held on the draft Design Manual on June 1st, 2023; over 25 people attended*
 - Open house information was e-mailed to a list of Downtown stakeholders
 - Open house information was mailed to every property owner in the proposed affected area within the current or proposed Downtown Core (DC), Downtown Edge (DE), and Riverfront Overlay District boundary
 - Open house information was mailed to every property owner - informing the owner that their property was proposed to be rezoned as a part of the project

This will primarily affect areas within the draft Riverfront Overlay District, along with a small portion of property that is currently zoned I1/I2, but surrounded by DC zoning.

The Zoning Ordinance Amendment ZORD-2023-0003, which includes a new Riverfront Overlay District, will have the proposed effective date of January 1st, 2024.

At the August 14th Public Hearing the Plan Commission voted to adopt the updated Downtown Design Manual.

PUBLIC HEARING SUMMARY:

Presenter: Beth Elliott of Stantec represented the project team and presented to the PC as outlined above

Public Comments:

1. Robert Jones: old Fort use and historic preservation, how this might affect character of the area.
2. Celina Crawford: vacant lot near property, what might be built and concern of blocking of views
3. Duane Shepherd: what kinds of development will be built, and what is the time frame for development in the High Street area
4. Erica Hoy: off-street parking, how this proposal would affect availability
5. Anne Clark: wanted to know the petitioner, and what might happen to the Dike in the area
6. Sam Wells: existing homes in the area, and if they were going to be absorbed/taken over

Closing Comments:

Project team responses to questions:

1. Old Fort and surrounding property are owned by the Fort Wayne Board of Park Commissioners. As a public park, owned by a municipality, the use is considered to be Universally Permitted, and will continue as is. The Rezoning brings the area into alignment with adopted community Plans, including the All In Allen Comprehensive Plan, and the Riverfront Implementation Framework.
2. DE contains many permitted uses, encouraging a mix of uses and emphasizing pedestrian oriented development. There are additional design standards and restrictions for development adjacent to residentially zoned properties; these residential Impact Mitigation Standards restrict buildings over a certain height within a number of feet of a residentially zoned property.
3. There are no specific developments planned or applied for at this time in the High Street area. This rezoning, along with the Riverfront Overlay District and updated standards will set the stage for future development and help to encourage and shape the area as desired by the community and expressed in the adopted plans.
4. Properties DE and DC districts do not have a minimum off street parking requirement for any use. The proposed project clarifies how off-street parking areas and parking structures can be designed and where they can be located within a property.
5. Nothing is going to happen to the Dike as part of this rezoning petition and Overlay District. The Plan Commission is the petitioner. The Dike is located on land owned by the City of Fort Wayne, and must be in compliance with all applicable Federal, State and Local Floodplain standards.
6. Single and Two family uses are not affected by the design standard requirements of the proposed Design Manual or related zoning ordinance amendments. Single and Two family uses are not affected by the Riverfront Overlay District standards. Existing Single and Two family uses are protected through nonconforming standards, and the property can continue to be used and maintained and improved. The rezoning petition and Overlay District does not include any development proposals or involve any aspect of taking of properties.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

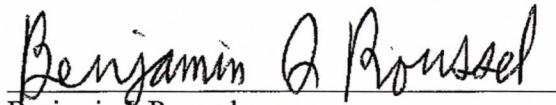
Rezoning Petition REZ-2023-0040

APPLICANT: Fort Wayne Plan Commission
REQUEST: Rezone property from I2/General Industrial and UC/Urban Corridor to DE/Downtown Edge accompanied by a proposed Riverfront Overlay District.
LOCATION: 1207 N Harrison Street, 1116 Wells Street, 1130 Wells Street, 1010 Cass Street, and 1022 Cass Street (Section 2 of Wayne Township)
LAND AREA: Approximately 6.47 acres
PRESENT ZONING: I2/General Industrial and UC/Urban Corridor
PROPOSED ZONING: DE/Downtown Edge

The Plan Commission recommends that Rezoning Petition REZ-2023-0040 be returned to Council, with a “Do Pass” recommendation, after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The proposed zoning is supported by the goals, policies and recommendations found within the All In Allen Comprehensive Plan and the Riverfront Implementation Framework plan.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The Zoning Ordinance allows existing nonconforming uses to continue to exist and expand, with certain limitations.
3. Approval is consistent with the preservation of property values in the area. Approval of the proposed rezoning will allow new public and private investment that is consistent with the ongoing redevelopment within the Downtown and Riverfront area, fulfilling economic and land use development policies outlined in the All In Allen Comprehensive Plan and the Riverfront Implementation Framework plan.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Approval will compliment adjacent uses and support future growth and development. New development will be built in a form which will blend with the downtown and riverfront development patterns.

These findings approved by the Fort Wayne Plan Commission on August 21, 2023.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

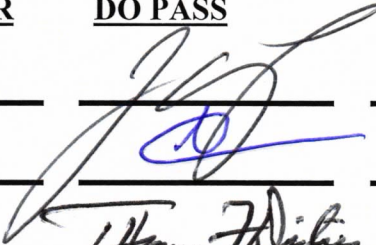



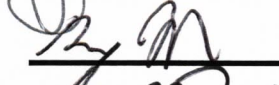


**REPORT OF COMMITTEE ON REGULATIONS
September 12, 2023**

**Sharon Tucker Chair
Tom Freistroffer Co-Chair
All Council Members**

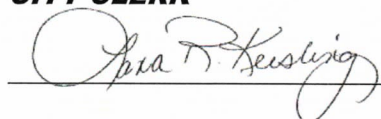
An Ordinance amending the City of Fort Wayne Zoning Map No L-10 (Sec. 2 of Wayne Township)

To rezone approximately 6.47 acres from 2/General Industrial and UC/Urban Corridor to DE/Downtown Edge accompanied by a proposed Riverfront Overlay District. as proactive rezoning of parcels to align zoning with the proposed Riverfront Overlay District and to implement recommendations of the Riverfront Development Implementation Framework

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER	<i>Thomas Didier</i>		
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Tucker.

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

Read the third time in full and on motion by Councilperson Tucker, 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 12, 2023



 LANA R. KEESLING, CITY CLERK

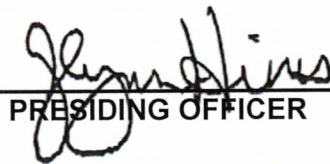
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. Z-23-08-06 on the 12th day of September, 2023

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of September 2023, at the hour of 9:50 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15TH day of SEPTEMBER 2023, at the hour of 11:00 o'clock AM E.S.T.



 THOMAS C. HENRY, MAYOR

