

1 **#ZORD-2014-0001**

2
3 BILL NO. G-14-07-16

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 157.201 through
10 157.224 (Zoning Districts), Sections 157.301 through 157.303 (Development Processes and
11 Standards), Sections 157.401 through 157.413 (Additional General Standards), and Sections
12 157.501 through 157.506 (Administration), are hereby amended as follows.
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Amendment AGU1 – 157.203(B)(2)(a):

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

Amendment AU1 – 157.203(D):

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

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

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

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

Add “community garden” to the religious institution accessory buildings, structures, and uses table

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

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

Amendment DS1 – 157.203(E)(1) through 57.210(E)(1):

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

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

Amendment DS2 – 157.203(E)(1) through 57.210(E)(1):

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

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

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

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

Amendment F1 – 157.203(E)(2) through 157.224(E)(2):

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

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

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

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

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

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

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

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

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

Amendment PU2 – 157.213(B):

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

Amendment PU2 – 157.213(C) through 157.215(C), 157.216(B) through 157.224(B):

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

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

Add Automated Teller Machine as a permitted primary use to certain commercial and industrial districts (C2 through I3 districts)

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

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

Amendment PU5 – 157.216(B) and 157.217(B); 157.223 and 157.224(B):

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

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

Add truck fueling station to the C3 and C4 permitted use tables

Amendment PU7 – 157.218(B) through 157.220(B):

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

Amendment SU1 – 157.218(C):

Add a special use provision to allow mini-storage in the DC district as a permitted primary use; treat similar to parking structures; include language that if a PC hearing is required, a joint Board of Zoning Appeals/Plan Commission hearing with a hearing examiner (ZHO) or PC committee will be held

Amendment AS1 – 157.220(E):

Change “All lots” to “Primary buildings and structures” under the Front Yard heading in the UC/Urban Corridor district Development Standards table; add a footnote “4” to the Front Yard heading; revise footnote “4” to read “Accessory buildings or structures shall be located to the

side or rear of the primary building, and shall be constructed or placed to minimize visibility from public rights-of-way. If located to the side of the primary building, the accessory building or structure shall be located no closer to the front lot line than the primary building."

Amendment PU8 – 157.223(B) through 157.224(B):

Add "sign fabricating shop" to the I2 and I3 permitted use tables; add a Special Use provision for "small scale processing" to the I1 districts

Amendment SU2 – 157.223 and 157.224:

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

Amendment SU3 – 157.223(C) and 157.224(C):

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

Amendment SPR1 – 157.302(C):

Change the Site Plan Review Exclusion language to:

"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 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"

Amendment SC1 – 157.303(C)(2)(b)(ii):

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

Amendment F2 – 157.402(A)(3)(c):

Revise the residential fence and wall standards to remove the reference to "adjacent to residential districts" and add a prohibition on barbed wire in the nonresidential districts fence and wall standards

Amendment F3 – 157.402(A)(3)(e):

Add an exemption for fencing for agricultural uses

Amendment OD1 – 157.402(B)(4):

Add "(excluding gravel surfaces)" after the three uses of "improved surface" in the Outdoor Display provisions

Amendment HO1 – 157.406(D)(2):

Revise the Permitted Home Occupations sentence as follows:

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

Amendment LS1 – 157.408(B):

Add the following language to the end of the Applicability provisions: "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."

Amendment LS2 – 157.408(D)(1)(b):

Change the language to "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."

Amendment LS3 – 157.408(D)(2)(d):

Change the Landscape Code – Buildings and Outside Activity Areas Table by adding "excluding outside storage areas" under the "Other Activity area" heading in the Nonresidential Outside Activity Area Building Type subheading, and adding a new "Outside Storage" provision under that, with an A-3.1 code if adjacent to residential districts, and an A-4 code if adjacent to nonresidential districts.

Amendment LS4 – 157.408(D)(1)(b):

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

Amendment LS5 – 157.408(D)(1)(b):

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

Amendment S1 – 157.409(C)(2):

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

Amendment S2 – 157.409(D)(1)(a):

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

Amendment S3 – 157.409(E)(4)(e):

Add "for two-sided signs, credits shall only be issued based on the area of one of the sign faces." to the end of the Number of Sign Removal Credits Issued paragraph and simplify the Sign Removal Credit table

Amendment S4 – 157.409(F)(10):

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

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

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

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

- Add "including improvements or enlargements to nonconforming buildings and structures, or other DNR approved buildings and structures, as permitted in 157.412(G)(8)(c)"
- Add "Graham McCulloch Ditch, [Junk Ditch], and Little River [floodplain]" to 157.412(B)(2)(n)
- Change the Prohibited Uses language to "Any encroachments, including buildings, structures, and fill, except for:
 - (1) Buildings, structures, and fill approved by the Indiana Department of Natural Resources;
 - (2) Fill needed for public flood control improvement projects, including dikes and levees;
 - (3) Public transportation facilities;
 - (4) Utility collection or transmission lines.
- Add "non compensatory storage" to the 40 yards of fill special use language; add the special use to the special use table
- Add "that does not constitute substantial improvement" to 157.412(G)(8)
- Add dates to set forth what structures shall be considered nonconforming
- Correct the citation errors in both ordinances (per the Indiana Department of Natural Resources 4/10 email to staff)

Amendment ADMIN2 – 157.502(E)(4)(f):

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

Amendment ADMIN3 – 157.503(B)(1):

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

Amendment ADMIN4 – 157.503(B)(1)

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

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

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

Amendment ADMIN6 – 157.503(B)(10):

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

Amendment SU4 – 157.503(D)(1)

Add the Floodplain fill Special Use to the Special Use table

The Nonconforming Situations section is being repealed and replaced:

Amendment NS 1 – 157.504

Remove the terms “legal” and “legally” from the Nonconforming Situations section

Amendment NS 2 – 157.504(B)

Change “as of March 15, 1960” to “prior to April 3, 2014” in the Nonconforming Lots provision

Amendment NS 3 – 157.504(C)(1)

Change the Nonconforming Uses Continuation provision to “Except as otherwise provided in this chapter, a use that existed as of March 2, 1998,…”

Amendment NS 4 – 157.504(B)

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

(c) A nonconforming use may be expanded or extended into any other portion of the structure that existed at the time the nonconforming use was established; and

(d) A nonconforming use on a part of a lot that is not inside a building shall not be expanded or extended into any other portion of such lot

Amendment NS 5 – 157.504(C)(1)

Change the Nonconforming Buildings or Structures Continuation provision to “Except as otherwise provided in this chapter, a nonconforming building or structure that existed as of March 2, 1998,…”

Amendment NS 6 – 157.504(C)(2)(b)

Change the Nonconforming Uses Expansion of Use Agricultural Operation Language to: “An agricultural operation that existed legally under the Allen County Zoning Ordinance and then was annexed into the City of Fort Wayne into an AR zoning district, shall be permitted for the same type of agricultural activity on any part of the original lot, subject to the maximum numbers of animals limitations of a low intensity agricultural livestock operation.”

Amendment NS 7 – 157.504(C)(2)

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

Amendment NS 9 – 157.504(D)(3)

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

Amendment NS 10 – 157.504(E)

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

Amendment NS 11 – 157.504(E)(1)(c)

Delete the “Parking for Religious Institutions” language from the Other Nonconforming Situations provisions

Amendment NS 12 – 157.504(E)(1)(c)

Change “Certificate of Compliance” to “Certificate of Use” in the Reversion of Use provisions

Amendment NS 13 – 157.504(F)(2)(b)

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

Amendment NS 14 – 157.504(F)(2)(b)

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

Amendment DEF2 – 157.506(B):

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

Amendment DEF3 – 157.506(B):

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

Amendment DEF4 – 157.506(B):

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

Amendment DEF5 – 157.506(B):

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

Amendment DEF6 – 157.506(B):

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

Amendment DEF7 – 157.506(B):

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

Amendment DEF8 – 157.506(B):

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

Amendment DEF9 – 157.506(B):

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

Amendment DEF10 – 157.506(B):

Add that multiple tenant buildings are permitted to the definition of building, primary: "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"

Amendment DEF11 – 157.506(B):

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

Amendment DEF12 – 157.506(B):

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

Amendment DEF13 – 157.506(B):

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

Amendment DEF14 – 157.506(B):

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

Amendment DEF15 – 157.506(B):

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

Amendment DEF16 – 157.506(B):

Update the definition of fence to make clear what construction will not be considered to be a fence; add "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."

Amendment DEF17 – 157.506(B):

Add a definition for fence, agricultural: "A fence, as defined herein, 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."

Amendment DEF18 – 157.506(B):

Change the definition of "Food and Beverage Service" to the following: "Commercial uses related to the sales, preparation, and related services for food and/or beverage items for consumption on or off the lot, including: bakery goods; bar or tavern; caterer; club (private); coffee shop; confectionery, ice cream, or candy store; convenience store; delicatessen; farmer's

market (including outdoor sales); fruit and/or vegetable store (indoor); grocery store or supermarket; meat or fish market; micro or mini-brewery/brewpub; package liquor store; reception/banquet hall (indoor); restaurant, including drive-through facilities; sandwich shop; and tea room."

Amendment DEF19 – 157.506(B):

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

Amendment DEF20 – 157.506(B):

Update the definition of "Junk Material" to include building materials

Amendment DEF21 – 157.506(B):

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

Amendment DEF22 – 157.506(B):

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

Amendment DEF23 – 157.506(B):

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

Amendment DEF 24 – 157.506(B):

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

Amendment DEF 25 – 157.506(B):

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

1 Amendment DEF26 – 157.506(B):

2 Add the following definition of "Professional Office/Business Service" to the Definitions
3 subchapter: "An establishment where the business of a commercial/professional organization or
4 a professional person is conducted, or which engages is providing services to such an
5 organization or person, including accountant, advertising, answering service, appraiser,
6 architect, attorney, auction service, bank, bookkeeping, broker, credit union, data processing
7 facility, data storage facility, engineer, foundation office, graphic design service, insurance
8 agency, interior design service, internet/web site service, land surveyor, loan office, marketing
9 agency, mortgage service, planner, realtor, savings and loan, stock and bond broker, tax
10 consulting, and title company."

11 Amendment DEF27 – 157.506(B):

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

18 Amendment DEF28 – 157.506(B):

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

23 Amendment DEF29 – 157.506(B):

24 Add "Boarding House" to the definition of "Residential Facility, General"

25 Amendment DEF30 – 157.506(B):

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

Amendment DEF31 – 157.506(B):

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

plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled gas sales and service, shooting range (indoor only), storage shed sales, taxidermist, trade show facility, warehouse/storage facility, and window repair."

Amendment S5 – 157.506(B):

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

Amendment S6 – 157.506(B):

Delete "to the back of" from the definition of "Sign, Mobile"

Amendment S7 – 157.506(B):

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

Amendment DEF32 – 157.506(B):

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

Amendment DEF33 – 157.506(B):

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

Amendment DEF34 – 157.506(B):

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

Amendment DEF35 – 157.506(B):

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

Amendment DEF36 – 157.506(B):

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

Amendment DEF37 – 157.506(B):

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

Amendment DEF38 – 157.506(B):

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

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

Amendment T1 – Varous locations in the ordinance:

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

Amendment T2 – Varous locations in the ordinance:

Replace the terms “private sewage disposal system” with “onsite disposal system” and “private sewage disposal” with “onsite disposal” in each of the residential districts development standards tables

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-2014-0001
Bill Number: G-14-07-16
Council District: All

Introduction Date: July 22, 2014

Plan Commission
Public Hearing Date: August 11, 2014

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

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

Location: Within the planning jurisdiction of Fort Wayne

Applicant: City of Fort Wayne Plan Commission

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

Effect of Passage: This text amendment corrects areas of non-alignment between the
Allen County Zoning Ordinance and the Fort Wayne Ordinance and
adds items that were inadvertently omitted from last year's adoption of
the replacement Fort Wayne Zoning Ordinance. The amendment also
revises and clarifies existing language in the zoning ordinance. The
Governing Board has directed that the County and Fort Wayne zoning
ordinances be aligned as closely as possible. The Legislative
Streamlining project also has updating and aligning the two ordinances
as primary objectives. This proposed amendment is intended to carry
out the direction of the Governing Board, and complete the Legislative
Streamlining project. If approved, this amendment will update the
current Fort Wayne zoning ordinance, and continue the alignment of
the Fort Wayne ordinance with the County ordinance.

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