

#ZORD-2015-0001

BILL NO. G-15-09-23

ORDINANCE NO.

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

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

**SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.201 through
157.224 (Zoning Districts), Sections 157.301 through 157.303 (Development Processes and
Standards), Sections 157.401 through 157.413 (Additional General Standards), and Sections
157.501 through 157.506 (Administration), are hereby amended as follows.**

Amendment AU1 – 157.203(D) through 157.224(D):

Add "fire pit" to each Residential Accessory Buildings, Structures, and Use table

Amendment AU2 – 157.402(B)(4):

Add "temporary outdoor sales" to the C2 and NC Outdoor Display and Temporary Outdoor Sales provisions, add "motor" to the similar vehicle sales provisions, remove the "shall be screened" language, and add a definition of outdoor sales, permanent. Put the Outdoor Display and Temporary Sales provisions into a table.

Amendment DS1 – 157.203(E)(1) through 157.210(E)(1):

Change the existing Primary building rear yard setback footnote language to "A single story addition to an existing single family detached residence may encroach up to 10 feet into the required rear yard, if the addition is 250 square feet or less"

Amendment DS2 – 157.212(E)(1) through 157.224(E)(1):

Change the development standards tables nonconforming front yard setback language "With an existing primary commercial or industrial building with a lesser front setback adjacent to the lot"

Amendment DS3 – 157.212(E)(1):

Align the C1 outside activity footnote language with the outdoor activity definition language

Amendment DS4 – 157.213(B) through 157.217(B):

Remove the phrase "and be screened from adjacent residential zoning districts by a solid fence" from the C2, NC, SC, C3, and C4 districts Permitted Use provisions

Amendment PU2 – 157.212(B):

Change the C1 district Group Residential Facility, Large footnote from "1" to "2"

Amendment PU3 – 157.212(B) and 157.215(B):

Add a "2" footnote to the Commercial district Homeless/Emergency Shelter permitted use (C1 and SC districts)

Amendment PU5 – 157.213(B) through 157.220(B):

Clarify the commercial "Parking Area (off-site)" universally permitted use provisions by adding a footnote "3" to state "See universally permitted use definition for additional standards"

Amendment PU6 – 157.213(B) through 157.215(B):

Clarify the C2, NC, and SC Permitted Uses provisions by review the uses to see if any of the uses need to state "indoor only" or "including outdoor uses" after the use

Amendment PU7 – 157.220(B):

Add "correctional services facility" to UC/Urban Corridor permitted uses table

Amendment PU8 – 157.215(B):

Add Gas Station to the SC district permitted use table

Amendment PU9 – 157.216(B) and (C) and 157.217(B) and (C):

Clarify the Water Park use provisions by adding a footnote "2" to the Water park permitted use, and add "water park, only" to the C3 and C4 Recreation use, outdoor examples

Amendment PU11 – 157.217(B):

Clarify the C4 "Go-kart facility" and "Stadium/racetrack" permitted use provisions by adding a footnote "2" to those uses

Amendment PU12 – 157.222(B) through 157.224(B):

Add Aquaculture, Aquaponics, and Hydroponics to the I1, I2, and I3 districts permitted use tables

Amendment PU13 – 157.222(B) through 157.224(B):

Review the permitted uses and as necessary add the following uses to the I1, I2, and I3 permitted use tables: Boat dry dock facility; Business Incubation office or laboratory; computer/other software; dry cleaning/laundry facility (central); homeless/emergency shelter; information technology; internet applications/products; and Limited assembly and fabrication of computers and electronics; computer hardware products; medical devices; and orthopedic devices

Amendment PU14 – 157.222(B) through 157.224(B):

Add "Correctional services facility" to the I1, I2, and I3 districts permitted use tables

Amendment PU15 – 157.223(B) through 157.224(B):

Add a provision to allow for the raising/growing/processing of natural products in an I2 or I3 district to the I2 and I3 permitted use tables

Amendment PU16 – 157.223(B):

Add Dairy/Creamery to the I2 Permitted Use table

Amendment PU17 – 157.222(B) through 157.224(B):

Review the permitted uses and as necessary add the following uses to the I2 and I3 permitted use tables: Ceramic product fabrication; Sales yard for building materials; Lumber; and Sand, gravel, and stone; tree service; and winery

Amendment PU18 – 157.224(B):

Add Metal (anodizing, buffing, galvanizing, plating, polishing) to the I3 permitted use table, under Processing facility

Amendment SU1 – 157.222(C):

Add a Special use provision for "Auto service, general" in the FW I1 district

Amendment SU2 – 157.206(C) through 157.220(C):

Clarify the Education-associated special use language by changing the language to "Educational institution-associated facilities, uses, and areas on non-contiguous properties" (remove the existing parentheses)

Amendment SU3 – 157.212(C) through 157.217(C):

Clarify the Parking area special use provisions by adding language to state that this provision is not for an off-site parking area, which is a universally permitted use

Amendment SU4 – 157.212(C) through 157.216(C):

Clarify the Recreation facility or use special use provisions by changing the language to "Private recreation facility or area, limited to outdoor athletic field, riding stable, swim club, or tennis club"

Amendment SU5 – 157.212(C) through 157.216(C):

Clarify the Illuminated athletic field special use provisions by changing the language to "Religious institution or non-public school illuminated athletic field"

Amendment SU6 – 157.218(C)(14):

Remove the repeated Parking structures language after the DC Self-service storage Special Use provision

Amendment SU7 – 157.222(C):

Add a special use provision to allow for the raising/growing/ processing of natural products in the I1 district

Amendment LS1 – 157.408(B):

Clarify that the landscape standards apply to the creation of an outlot from an existing parking area by adding a provision to the applicability language stating that the landscape standards would apply in this case

Amendment LS2 – 157.408(D)(2)(a):

Clarify that an applicant can choose to provide a greater amount of screening/buffering if they choose to by adding "In any case where a screening or buffering standard is required, an applicant may choose to provide a higher level of landscaping" to the Specific Standards and Requirements provisions

Amendment LS3 – 157.408(D)(2)(d):

Clarify which standard would apply to outdoor display by adding "outdoor display" to the Nonresidential Outside Activity Area part of the Landscape Codes table

Amendment LS4 – 157.506(B):

Clarify which standard would apply to a parking area that is within 60 feet of a residential district by revising the definition of "adjacent" to specify which landscape code would apply in this situation

Amendment S1 – 157.409(D)(1)(a):

Clarify which standard would apply to a residential use other than a Single or Two Family Dwelling by adding "and other permitted residential uses" to the AR, MH, and Residential District table, after the "Single and Two Family Dwelling" heading

Amendment S2 – 157.409(D)(1)(a):

Clarify which standard controls in the Wall sign provisions for Universal and Other uses by moving the Maximum size, wall provision under the Maximum wall sign coverage provision

Amendment S3 – 157.409(D)(1)(a):

Add the projecting sign provision from the Downtown and Corridor district table to the Commercial and Shopping Center district table

Amendment S4 – 157.409(D)(1)(a):

Add a provision to allow a smaller blade sign on a building that is not 60 feet high, or not on an arterial street

Amendment S5 – 157.409(E)(4)(e):

Clarify what approval process would be required if an applicant requested to be allowed to install a billboard where the applicant did not have the required number of sign credits by adding language to make it clear that this type of request would require a use variance

Amendment FP1 (Update floodplain regulations based on DNR-required revisions) – 157.412(A)(8) to (A)(8)(c):

Move the "Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved." Language to 157.412(A)(8)(c).

Amendment FP2 – 157.412(A)(8)(b):

Remove the AO zone language under 157.412 (A)(8)(b) and re-letter the subsection

Amendment FP3 – 157.412(C)(2):

Remove the "Any proposed use which required a permit from the Indiana Department of Natural Resources" language

Amendment FP4 – 157.412(C)(2):

Remove the DNR permits language under 157.412(C)(2)(i)

Amendment FP5 – 157.412(G)(2):

Add the following: "Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished" under (G)(2) as a new (m)

Amendment FP6 – 157.412(G):

Add the following: "No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses." under (G)(4)(a)(i) and (G)(6)(a)

Amendment FP7 – 157.412(G):

Add the following: "No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fourteen-hundredths (0.14) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses." under (G)(4)(ii) and (G)(6)(b)

Amendment FP8 – 157.412(G):

Remove the language that states that an IDNR permit is required from (G)(4)(a)(iii)[C]

Amendment FP9 – 157.412(G):

Add the following: "A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision" under (G)(4)(b)(vi)

Amendment FP10 – 157.412(G):

Remove the language that states that an IDNR permit is required from (G)(6)(c)(iii)

Amendment FP11 – 157.412(G):

Add the following: "(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision" to (G)(6)(d)(vi)

Amendment FP12 – 157.412(G):

Remove the language that states that an IDNR permit is required from (G)(8)(c)

Amendment FP13 – 157.412(G):

Change the Conditions provisions under the Variances language from 500 square feet to 400 square feet under (H)(3)(c)(iii) to accommodate a State rule change regarding the size of a building allowed to be built below the FPG

Amendment ADMIN1 – 157.503(B):

Accommodate the change made to State law regarding commercial communication towers by adding "Commercial communication tower (if located within City right of way)" to the Improvement Location Permit Exclusions table

Amendment ADMIN2 – 157.503(C):

Revise the Contingent Use provisions to clarify which public facilities require a contingent use

Amendment ADMIN3 – 157.503(D)(3)(a)(I)[A]:

Accommodate the change made to State law regarding commercial communication towers by revising the Special Use provisions by adding "No Special Use shall be required for a wireless support structure, as defined in I.C. 8-1-32.3-14, if the proposed wireless support structure is located within the City right of way."

Amendment NS 1 – 157.504(B):

To clarify what the provisions would be for allowing a house on a lot with nonconforming platted building lines to be rebuilt if it is destroyed, add a provision to the nonconforming lot language that allows for this

Amendment NS 2 – 157.504(B)

To clarify what the provision would be for allowing the continuance of Plan Commission approved lesser setbacks, add a provision to the nonconforming lot language that allows for this

Amendment NS 3 – 157.504(C):

To clarify what the provisions are for an agricultural livestock operation which is annexed, add a provision for the continuation of agricultural livestock operations to the nonconforming situations language

Amendment NS 4 – 157.504(B)

To align with the other Continuation provisions, remove the term "legally" from the Nonconforming Buildings and Structures Continuation language

Amendment NS 5 – 157.504(E)(2)

To clarify under what circumstances an existing nonconforming gravel parking area would need to be paved, add language under Parking Areas in the Other Nonconforming Situations provisions setting forth what would cause a nonconforming gravel parking area to be required to be paved

Amendment DEF1 – 157.506(B):

There are cases where there are development standards both in the definition of a term and in the text for that term; review the ordinance definitions to see if there are standards that should not be in the definition

Amendment DEF2 – 157.506(B):

Clarify the definition of "accessory dwelling unit" to add examples of what "integrated into an existing single family dwelling" would mean

Amendment DEF3 – 157.506(B):

To clarify what standard would apply to a parking area that is within 60 feet of a residential district, revise the definition of "adjacent" to clarify which landscape code would apply in this situation

Amendment DEF4 – 157.506(B):

Add a definition of aquaculture

Amendment DEF5 – 157.506(B):

Add a definition of aquaponics

Amendment DEF6 – 157.506(B):

Clarify the definition of "automobile service, general"

Amendment DEF7 – 157.506(B):

Clarify the definition of "automobile service, general"

Amendment DEF8 – 157.506(B):

Align and clarify the terms "automobile" and "motor vehicle"

Amendment DEF9 – 157.506(B):

Clarify the definition of "automobile washing facility" by removing "or other motor vehicle" from definition

Amendment DEF10 – 157.506(B):

Clarify the definition of "automobile washing facility" by removing "or other motor vehicle" from definition

Amendment DEF11 – 157.506(B):

Clarify the definition of "boarding house"

Amendment DEF12 – 157.506(B):

Remove the term "correctional services facility" from the definition of "community facility"

Amendment DEF13 – 157.506(B):

Remove "overnight confinement" from the definition of "correctional services facility"

Amendment DEF14 – 157.506(B):

Clarify which uses would fall under the definition of "correctional institution" by adding language to make it clear that a correctional services facility or residential facility for a court ordered reentry program would not fall under this definition

Amendment DEF15 – 157.506(B):

Add a definition of "development standards"

Amendment DEF16 – 157.506(B):

Clarify the definition of "domestic farm animal by adding "(includes quail and chickens)" after poultry

Amendment DEF17 – 157.506(B):

Clarify the definition of "educational institution"

Amendment DEF18 – 157.506(B):

Clarify the definition of "engine repair" be removing "assembly of" from definition

Amendment DEF19 – 157.506(B):

Add a definition of hydroponics

Amendment DEF20 – 157.506(B):

Add "motor vehicle" to the definition of "junk material"

Amendment DEF21 – 157.506(B):

Update the definition of "live-work unit" to align with how the use is set forth in the text

Amendment DEF22 – 157.506(B):

Clarify where the front lot line would be for a flag lot, by adding "For flag lots, the front lot line shall be the lot line which is roughly parallel with the street. For other situations, the Zoning Administrator shall determine the front lot line" to the definition of "Lot Line, Front".

Amendment DEF23 – 157.506(B):

Review the "automobile" and "motor vehicle" definitions language to clarify the language and eliminate the conflicts between the "automobile" related language, and the "motor vehicle" related language

Amendment DEF24 – 157.506(B):

Add "boat/watercraft" to the definition of "motor vehicle"

Amendment DEF25 – 157.506(B):

Add "automobile" to the definition of "motor vehicle, inoperable"

Amendment DEF26 – 157.506(B):

Add a definition of "motor vehicle repair"

Amendment DEF27 – 157.506(B):

Add "automobile" to the definition of "motor vehicle storage yard"

Amendment DEF28 – 157.506(B):

Clarify the definition of "outdoor activity area"

Amendment DEF29 – 157.506(B):

Clarify the definition of "park or recreation area, public" to reduce the scope of the definition

Amendment DEF30 – 157.506(B):

Add a definition for "park or recreation area, private"

Amendment DEF31 – 157.506(B):

Add a definition for "parking area"

Amendment DEF32 – 157.506(B):

Add a definition for "parking area (offsite)"

Amendment DEF33 – 157.506(B):

Review the language to clarify and eliminate the conflicts between the indoor and outdoor recreation use provisions

Amendment DEF34 – 157.506(B):

To clarify and eliminate the conflicts between the definition of "recreational facility, outdoor" and the other recreation-related definitions, change the definition to "recreation area, outdoor"

Amendment DEF35 – 157.506(B):

To eliminate the conflict within the definition of "residential facility, general", remove the "and multiple family dwellings" from the first paragraph of the definition

Amendment DEF36 – 157.506(B):

To clarify the "Residential facility for a court-ordered re-entry program" definition, add that this use includes overnight stays, but is not to be considered a correctional institution or a correctional services facility

Amendment DEF37 – 157.506(B):

To reduce the scope of the definition of "residential facility, general", remove "Residential facility for a court-ordered re-entry program" and "Residential facility for homeless individuals" from the definition

Amendment DEF38 – 157.506(B):

Clarify the "Automobile service, general" and "Retail/service, general" commercial categories by removing automobile auction, truck fueling station, and truck stop from the "Automobile service, general" category; add to the "Retail/service, general" category, along with "Motor vehicle auction", "Motor vehicle repair", and "Motor vehicle washing facility"

Amendment DEF39 – 157.506(B):

There does not appear to be a need to have separate definitions of "school, parochial"; "school, private"; and "school, public"; look at combining the three definitions

Amendment DEF40 – 157.506(B):

None of the definitions of "sign" includes a provision for a suspended sign; add language allowing suspended signs to the definition of "sign, projecting"

Amendment DEF41 – 157.506(B):

Add deer to the definition of "slaughter house"

Amendment DEF42 – 157.506(B):

Add canopy to the definition of "structure"

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 1, 2016.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

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-2015-0001
Bill Number: G-15-09-23
Council District: All

Introduction Date: September 22, 2015

Plan Commission
Public Hearing Date: October 12, 2015

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

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

Location: Within the planning jurisdiction of Fort Wayne

Applicant: City of Fort Wayne Plan Commission

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

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

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the replacement ordinances (4/5/2014) and/or the effective date of last year's technical amendment (1/1/2015); and
- 3) Add items as needed based on the work done with Clarion Associates on the creation of the Visually Interactive Codes/VICs (minor items, such as the reorganization of certain definitions and several format-related revisions).

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.