

**#ZORD-2015-0001**

BILL NO. G-15-09-23 (as amended)

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 SU1 – 157.203(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 SU2 – 157.203(C) through 157.220(C):

Add definitions for "Recreation Area" and "Recreation Facility" and update the special use provisions accordingly, by adding separate special use provisions for "Recreation area" and Recreation facility", and removing "Golf course" in the A and C districts, as applicable

Amendment SU3 – 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 AU1 – 157.203(D) through 157.224(D):

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

Amendment PU1 – 157.203(E):

Clarify the AR district number of buildings permitted on a lot language to state "One freestanding accessory dwelling unit of at least 300 square feet, if there is no integrated accessory dwelling unit on the lot"

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

Change the residential development standards rear yard encroachment 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 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 PU4 – 157.212(B) and 157.215(B):

Add a "2" footnote to the "Residential facility for homeless individuals" commercial district uses that do not have a footnote

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

Clarify the nonresidential nonconforming front yard setback exclusion language by changing the language to: "If there is 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 PU6 – 157.213(B) through 157.215(B):

Clarify the C2, NC, and SC Permitted Uses provisions by reviewing the uses to see if any of the uses need to state "indoor only" or "including outdoor uses" after the use; and adding "or defined" to the "Unless otherwise noted" provision

Amendment SU4 – 157.212(C) through 157.217(C):

Clarify the Commercial Parking area special use provisions by adding language that states that "a special use shall not be required for a universally permitted off-site parking area"

Amendment PU7 – 157.215(B):

Add Gas Station to the SC district permitted use table

Amendment PU8 – 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 PU9 – 157.217(B):

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

Amendment SU5 – 157.218(C)(14):

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

Amendment PU10 – 157.220(B):

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

Amendment PU11 – 157.222(B) through 157.224(B):

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

Amendment PU12 – 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 PU13 – 157.222(B) through 157.224(B):

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

Amendment SU6 – 157.222(C):

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

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 PU14 – 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 PU15 – 157.223(B):

Add Dairy/Creamery to the I2 Permitted Use table

Amendment PU16 – 157.223(B) through 157.224(B):

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

Amendment SU8 – 157.212(C) through 157.217(C):

Update the Industrial Special use provisions by the "Parking area (as a primary use, if adjacent to a residential district)" special use provision, and adding language that states that "a special use shall not be required for a universally permitted off-site parking area"

Amendment PU17 – 157.224(B):

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

Add 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 from the Outdoor Storage provisions

Add Amendment AU3 – 157.402(B)(4):

Clarify the setback standard is for an outdoor storage area by adding a new (G) and (vii) to the Accessory Uses Outdoor Storage provisions stating "A paved outdoor storage area shall have a minimum 5' setback from any lot line, and a gravel outdoor storage area shall have a minimum 10' setback from any lot line"

Amendment DDS1 – 157.404(U):

Clarify the Vehicle Circulation and Streets interconnection language by splitting the individual paragraphs into two separate sub-provisions

Amendment PARK1 – 157.407(D)(1):

Update the Minimum Off-street Parking requirements by adding a standard of 30 spaces per athletic field

Amendment PARK2 – 157.407(D)(1):

Update the Minimum Off-street Parking requirements by adding a standard for warehouse/ storage uses under the industrial parking provision, that a minimum of three spaces be provided

Amendment PARK3 – 157.407(D)(1):

Update the Minimum Off-street Parking requirements by adding a standard of 1 space per 400 square feet to the Parking Requirements table

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):

Update the Landscape Codes table by adding a provision for universally permitted uses to the Commercial/Retail part of the table

Amendment LS4 – 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; exclude outdoor display from the large parking area internal landscaping standard

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 a provision to the commercial blade sign provisions to allow a smaller blade sign of up to 30 square feet on a building that is not 60 feet high, or not on an arterial street

Amendment S4 – 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 S5 – 157.409(D)(1)(a):

Clarify the blade and projecting signs provisions by adding language stating that multiple signs are permitted, up to the maximum allowable square footage

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

FP 1-20 (Update floodplain regulations based on DNR-required revisions):

Amendment FP1 – 157.412(A):

Change "Make federally subsidized flood insurance available" to "Make federal flood insurance available under (A)(1)(o)"

Amendment FP2 – 157.412(A):

Remove the word "and" at the end of the last sentence under (A)(7)(c)

Amendment FP3 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 FP4 – 157.412(A)(8)(b):

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

Amendment FP5 – 157.412(A):

Add "Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA." as a new (A)(8)(d)

Amendment FP6 – 157.412(B):

Change the word "floodplain" to floodway under (B)(2)(n)

Amendment FP7 – 157.412(C)(2):

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

Amendment FP8 – 157.412(C)(2):

Remove the DNR permits language under 157.412(C)(2)(l) ("Uses that have been approved by the Indiana Department of Natural Resources")

Amendment FP9 – 157.412(D):

Add ""The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade." to (D)(2)(a)(i)

Amendment FP10 – 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 FP11 – 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 FP12 – 157.412(G):

Add "The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages." as a new (G)(4)(a)(iv) and (G)(6)(d) Move this paragraph from page 297 to (G)(4)(a)(iv)[D] on page 298

Amendment FP13 – 157.412(G):

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

Amendment FP14 – 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 FP15 – 157.412(G):

Remove the language that states that the applicant shall furnish a copy of any required IDNR permit from (G)(6)(e)(iii)

Amendment FP16 – 157.412(G):

Add the following: "A 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 FP18 – 157.412(G):

Remove the language that states that the addition or improvement has been granted an permit from the IDNR from (G)(8)(c)

Amendment FP19 – 157.412(H):

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 FP20 – 157.412(H):

Remove the "As part of the consideration of any floodplain variance request, the BZA staff may route the request to the Indiana Department of Natural Resources for review and comment" from (H)(3)(g)

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(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 DEF1 – 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 DEF2 – 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 DEF3 – 157.506(B):

Add a definition of aquaculture

Amendment DEF4 – 157.506(B):

Add a definition of aquaponics

Amendment DEF5 – 157.506(B):

Clarify the definition of "automobile repair" by removing "or trailers" from definition

Amendment DEF6 – 157.506(B):

Clarify the definition of "automobile service, general"

Amendment DEF7 – 157.506(B):

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

Amendment DEF8 – 157.506(B):

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

Amendment DEF9 – 157.506(B):

Update the definition of "Board" by adding "For purposes of granting a special use, use variance, or variance of development standards for a wireless service provider, the Board shall be the "permit authority" under I.C. 8-1-32.3, et seq"

Amendment DEF10 – 157.506(B):

Clarify the definition of "boarding house" by revising it to "A residential building containing rooms for accommodating, for compensation, three or more persons. Lodging may include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters, or individual bathrooms, but shall not include individual cooking facilities."

Amendment DEF11 – 157.506(B):

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

Amendment DEF12 – 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 DEF13 – 157.506(B):

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

Amendment DEF14 – 157.506(B):

Update the definition of "Department of Planning Services" by adding "For purposes of reviewing the completeness of zoning applications, and granting an Improvement Location Permit, Certificate of Compliance, or Certificate of Use for a wireless service provider, DPS shall



be the "permit authority" under I.C. 8-1-32.3, et seq"

Amendment DEF15 – 157.506(B):

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

Amendment DEF16 – 157.506(B):

Clarify the definition of "educational institution" by adding "non-public," before "parochial"

Amendment DEF17 – 157.506(B):

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

Amendment DEF18 – 157.506(B):

Add a definition of hydroponics

Amendment DEF19 – 157.506(B):

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

Amendment DEF20 – 157.506(B):

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

Amendment DEF21 – 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 DEF22 – 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 DEF23 – 157.506(B):

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

Amendment DEF24 – 157.506(B):

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

Amendment DEF25 – 157.506(B):

Add a definition of "motor vehicle repair" – "A facility that provides general motor vehicle service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for motor vehicles. This definition shall not include any services provided under the definition of "automobile body shop".

Amendment DEF26 – 157.506(B):

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

Amendment DEF27 – 157.506(B):

Clarify the definition of "outdoor activity area"

Amendment DEF28 – 157.506(B):

Add a definition of "outdoor sales, permanent" – "The use of a portion of a property for the accessory storage and sales of items such as ice, magazines, newspapers, propane, vending machine sales, and videos."

Amendment DEF29 – 157.506(B):

Add a definition of “outlot” – “A building site available for retail or other nonresidential development, typically part of a larger commercial development or site.”

Amendment DEF30 – 157.506(B):

Clarify the definition of “park or recreation area, public” to reduce the scope of the definition by changing definition to “A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, provided by a unit of government to meet the active and/or passive recreational needs of the public.

Amendment DEF31 – 157.506(B):

Add a definition for “park or recreation area, private” – “A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, owned or controlled by private or non-profit persons, entities, or groups for active and/or passive recreational purposes.”

Amendment DEF32 – 157.506(B):

Add a definition for “parking area” – “A public or private area designed and used for the temporary parking of automobiles or motor vehicles, including parking lots and driveways.”

Amendment DEF33 – 157.506(B):

Add a definition for “parking area (offsite)” – “A parking area for a religious institution or school which is located directly across an alley right of way from that religious institution or school”

Amendment DEF34 – 157.506(B):

Review the language to clarify and eliminate the conflicts between the indoor and outdoor recreation use provisions by reviewing the definitions for “Recreation Area” and “Recreation Facility” and revise the definitions to eliminate the conflicts; remove the following definitions: Outdoor Recreation Facility, Outdoor Recreation Use, Recreation Field, Recreation Space, Developed; and Recreation Space, Undeveloped

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 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 DEF37 – 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 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”

1 Amendment DEF39 – 157.506(B):

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

4 Amendment DEF40 – 157.506(B):

5 Add deer to the definition of "slaughter house"

6 Amendment DEF41 – 157.506(B):

7 Add canopy to the definition of "structure"

8  
9 SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full  
10 force and effect starting on January 1, 2016.

11 \_\_\_\_\_  
Council Member

12 APPROVED AS TO FORM AND LEGALITY:

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Carol T. Helton, City Attorney