

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

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

WHEREAS, the Common Council of the City of Fort Wayne desires to amend the Zoning Ordinance to address the number of permitted and special uses for gas stations available in the existing zoning categories; and

WHEREAS, Common Council believes gas stations are negatively impacting the City of Fort Wayne by contributing to the food deserts in certain portions of the City; and

WHEREAS, Common Council believes it is in the best interest of the health and safety of Fort Wayne residents to reduce the number of zoning categories that allow for gas stations to operate, whether by permitted or special use; and

WHEREAS, notwithstanding the above, Common Council understands that there is a need for some form of zoning category that permits gas station operation to remain after the Zoning Ordinance is amended; and

WHEREAS, in consideration of the abovementioned factors, Common Council wishes to refer a proposal to the planning commission for its recommendation pursuant to IC 36-7-4-602 for an amendment of the Fort Wayne Zoning Ordinance to eliminate the availability of special use variances for gas station operations in zoning districts: Limited Commercial (C2), Downtown Edge (DE), Limited Industrial (I1), General Industrial (I2) and Neighborhood Center (NC); and

WHEREAS, the resolution, as permitted by IC 36-7-4-602, serves to refer a proposed amendment to the Zoning Ordinance to the plan commission as Common Council cannot finalize the proposed amendment to the Zoning Ordinance until it receives the certified recommendation, whether favorable, unfavorable or no recommendation, from the planning commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

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

AMENDMENTS TO THE ZONING ORDINANCE OF FORT WAYNE

1. For C2 Limited Commercial special use – gas station, delete in its entirety: “§ 157.213(C)(5) Gas Station”, and replace with: “§ 157.213(C)(5) [INTENTIONALLY LEFT BLANK]”;
2. For NC Neighborhood Center special use – gas station, delete in its entirety: “§ 157.214(C)(5) Gas Station”, and replace with: “§ 157.214(C)(5) [INTENTIONALLY LEFT BLANK]”;
3. For DE Downtown Edge special use – gas station, delete in its entirety: “§ 157.219(C)(7) Gas Station”, and replace with: “§ 157.219(C)(7) [INTENTIONALLY LEFT BLANK]”;
4. For I1 Limited Industrial special use – gas station, delete in its entirety: “§ 157.222(C)(3) Gas Station”, and replace with: “§ 157.222(C)(3) [INTENTIONALLY LEFT BLANK]”;
5. For I2 Limited Industrial special use – gas station, delete in its entirety: “§ 157.223(C)(3) Gas Station”, and replace with: “§ 157.223(C)(3) [INTENTIONALLY LEFT BLANK]”

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

SECTION 3. This resolution shall be effective from and after passage.

Glynn Hines, City
Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney