

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-2018-0004
Bill Number: G-19-01-01
Council District: All districts

Introduction Date: January 8, 2019

Plan Commission
Public Hearing Date: January 7, 2019

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: This ordinance amendment was initiated by the Common Council of the City of Fort Wayne

Related Petitions: This ordinance is being proposed as a result of a resolution approved by Council on November 27, 2018 (R-108-18); this amendment will only affect the Fort Wayne Zoning Ordinance

Effect of Passage: These amendments are proposed to address issues brought up by Council member Glynn Hines relative to gas station uses, by:

- 1) Addressing the number of permitted and special uses for gas stations available in the existing zoning categories by reducing the number of zoning categories that allow gas stations by special use, while still providing zoning districts that permit gas stations; and
- 2) Clarifying how existing nonconforming gas station uses will be treated in the ordinance.

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified in the Common Council resolution relative to gas station uses

1 **#ZORD-2018-0004**

2 BILL NO.

3 ORDINANCE NO.

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

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

8 SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through
9 157.223 (Zoning Districts, AR/Low Intensity Residential through I2/General Industrial); Section
10 157.503 (Administration, Procedures-Special Uses); Section 157.504 (Nonconforming
11 Situations), and Section 157.506 (Definitions) are hereby amended as follows.

12 Amendment SU1 – 157.203 through 157.223:

13 Every zoning district has a Special Use for "Nonconforming use (expansion of existing
14 nonconforming use, or allow conforming status to existing use)"; make it clear that gas stations
15 are not eligible for this Special Use by adding "excluding gas station uses" to this Special Use
16 provision in every district that does not allow gas stations (the AR, R1,R2, R3, RP, MHS, C1,
17 C2, NC, DC, DE, UC, I1, and I2 districts)

18 Amendment SU2 – 157.213(D)(5):

19 The C2/Limited Commercial district allows a gas station to be approved as a special use;
20 remove the gas station special use from the district

21 Amendment SU3 – 157.214(D)(5):

22 The NC/Neighborhood Center district allows a gas station to be approved as a special use;
23 remove the gas station special use from the district

24 Amendment SU4 – 157.219(C)(7):

25 The DE/Downtown Edge district allows a gas station to be approved as a special use; remove
26 the gas station special use from the district (including the associated design standards).

27 Amendment SU5 – 157.222(C)(3):

28 The I1/Limited Industrial district allows a gas station to be approved as a special use; remove
29 the gas station special use from the district

30 Amendment SU6 – 157.223(C)(3):

The I2/General Industrial district allows a gas station to be approved as a special use; remove
the gas station special use from the district

Amendment SU7 – 157.503(D)(1):

The Procedures - Special Uses table includes an Automobile Service, General special use that
would allow a gas station use as a special use in the I1 district; add "excluding gas station uses"
to the Automobile Service, General special use in the Special Uses table

Amendment SU7 – 157.503(D)(1):

The Procedures - Special Uses table includes a Gas station (including convenience store) special use for the C2, NC, SC, , I1, and I2 districts; remove the Gas station (including convenience store) special use from the table

Amendment SU8 – 157.503(D)(1):

The Procedures - Special Uses table includes a Gas stations/convenience stores (as a primary or accessory use) special use for the DE district; remove the Gas stations/convenience stores special use from the table

Amendment SU9 – 157.503(D)(1):

The Procedures - Special Uses table includes a "Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use)" special use; make it clear that gas stations are not eligible for this Special Use by adding "this special use shall not be available for gas station uses" to this provision

Amendment NC1 – 157.504(E)(6):

There is no language giving guidance on how nonconforming gas stations can expand; add a new Gas Stations subsection to the Other Nonconforming Situations portion of the Nonconforming Situations section, as shown below:

(6) Gas Stations

A gas station that was approved via a Special Use or Use Variance by the Board of Zoning Appeals shall not be considered a nonconforming use subject to these provisions, and shall remain subject to any previous Board of Zoning Appeals conditions of approval. Any gas station that became nonconforming as of April 3, 2014:

- (a) May be enlarged, expanded, or extended on the same parcel or lot that existed at the time the gas station became nonconforming, so long as such enlargement, expansion, or extension, meets all development standards of this ordinance and an Improvement Location Permit and/or Certificate of Use is issued before such enlargement, expansion, or extension. This provision is intended to also allow for the addition of gas pumps and the expansion or replacement of canopies;
- (b) May be expanded into any building that existed at the time the gas station became nonconforming, so long as a Certificate of Use is issued before such expansion;
- (c) Shall not be permitted to increase the size of the parcel or lot that the gas station is located on; and
- (d) Shall be subject to all other applicable Nonconforming Situations provisions in this Section, including but not limited to the Maintenance or Reconstruction provisions, and the Discontinuation and Damage provisions.

Amendment DEF1 – 157.506(B):

The definition of Convenience Store is not clear, in noting the difference between a Convenience Store and a Gas Station; clarify the definition by adding "A use which also includes gas pumps shall not be considered a convenience store"

Amendment DEF2 – 157.506(B):

The definition of Gas Station needs to be updated based on current ordinance provisions; update the definition to "A facility where fuel is sold, which may also include a convenience store. A gas station use shall be considered a primary use of a property."

1
2 SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full
3 force and effect starting on April 1, 2019.
4

5 _____ Council Member

6 APPROVED AS TO FORM AND LEGALITY:

7 _____
8 Carol T. Helton, City Attorney
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30