

**#ZORD-2019-0004**

BILL NO. G-19-02-02

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 157.212 through 157.224 (Zoning Districts, C1/Professional Office and Personal Services through I3/Intensive Industrial); Section 157.302 (Site Plan Review); Section 157.404 (Development Design Standards), Section 157.408 (Landscape Standards), and Section 157.506 (Definitions) are hereby amended as follows.

Amendment DS1 – 157.212(E)(1) through 157.224(E)(1):

The nonresidential Development Standards tables have a greater rear yard setback for primary buildings with outside activity than the Landscape standards (50' setback vs. 25' buffer yard width); remove the "no outside activity behind the building" phrase and the "Primary building – outside activity behind the building" setback standards from the C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 districts rear yard requirements

Amendment SPR1 – 157.302(B)(2):

There are issues with requiring Site Plan Review for outdoor activity areas; change the "When Required" language from "an outdoor activity area" to "an outdoor eating/ drinking/smoking area"

Amendment DDS1 – 157.404(N)(2)(c):

There is an issue over whether an outdoor eating/drinking/smoking area should trigger the installation of a new sidewalk; add "Sidewalks shall not be required for outdoor eating/drinking/ smoking area site plan review projects" as a new Pedestrian Circulation 157.404(N)(2)(c)

Amendment DDS2 – 157.404(O)(1):

The nonresidential Development Standards tables have a lesser side and rear yard requirement for accessory buildings than the Residential Impact Mitigation standards (25' and 40' vs. 50'); revise the Residential Impact Mitigation standards Additional Height standards to: "No primary ~~or accessory~~ buildings or structures exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH district."

Amendment LS1 – 157.408:

The terms "outdoor activity area" and "outside activity area" are not used consistently; change "outside activity area" to "outdoor activity area", to match the defined term; change "activity area" to "outdoor activity area"; update the language throughout the Landscape Standards

Amendment LS2 – 157.408(B):

The Applicability provisions are unclear; clarify the language by putting the provisions into a list; add outdoor eating/drinking/smoking areas provisions

Amendment LS3 – 157.408(D)(1)(h):

The landscape standards allow a fence to be substituted for screening a building or activity area, but not a mound. Add the following to the General Standards and Requirements Mounding provisions: "Where this section requires landscaping for the purpose of screening a building or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein. Mounding used for screening purposes may be located in a required yard, subject to the corner visibility provisions set forth in this ordinance."

Amendment LS4 – 157.408(D)(1)(i):

The landscape standards allow a fence to be substituted for screening a building or activity area, but the language allowing the substitution does not require a solid fence; add "a **solid** fence" to the Fencing Used for Screening provisions

Amendment LS5 – 157.408(D)(1)(j):

It is not clear that a buffer yard can be located within a required front, side, or rear yard setback; add the following Buffer Yard language to the Landscape Standards General Standards and Requirements provisions, as a new 157.408(D)(1)(j)[Buffer Yards]: "As required herein, a buffer yard shall be an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas, and adjacent uses, buildings, structures, and streets. A buffer yard may be located within a required front, side, or rear yard building setback."

Amendment LS6 – 157.408(D)(2)(d):

The existing Landscape Codes table is unclear with respect to Nonresidential Outdoor Activity Areas and needs to be updated; clarify the language and reorganize the table; renumber the B codes as necessary; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes as necessary

Amendment LS7 – 157.408(D)(2)(f):

Several of the Landscape codes are very similar to each other; there is little difference between Code B1 and B2; delete Landscape code B2; use existing Landscape code B1 as the standard for both adjacency situations

Amendment LS8 – 157.408(D)(2)(g):

Several of the Landscape codes are very similar to each other; there is little difference between Code B3 and B4; delete Landscape code B4; use existing Landscape code B3 as the standard for both adjacency situations

Amendment LS9 – 157.408(D)(2)(h):

Several of the Landscape codes are very similar to each other; there is little difference between Code B5 and B6; delete Landscape code B6; use existing Landscape code B5 as the standard for both adjacency situations

Amendment LS10 – 157.408(D)(2)(j):

Several of the Landscape codes are very similar to each other; there is little difference between Code A1 and P2; revise the Landscape code A1 to match the P2 code; re-number the B codes so they are in numerical order

Amendment LS11 – 157.408(D)(2)(j):

The Nonresidential Outdoor Activity A-2 code language is unclear as to what needs to be screened; add “screen the drive-through window and automobile stacking areas” to the A-2 code language

Amendment LS12 – 157.408(D)(2)(k):

The Nonresidential Outdoor Activity A-4 code language is unclear as to what needs to be screened; add “screen the drive-through window and automobile stacking areas” to the A-4 code language; add “Continuous medium shrub screen” as a standard

Amendment LS13 – 157.408(D)(2)(k):

The Nonresidential Outdoor Activity A-5 code language requires a large shrub screen, staff feels that a medium shrub screen would be adequate; change “Continuous large shrub screen” to “Continuous medium shrub screen”

Amendment LS14 – 157.408(D)(2)(k):

There is currently no screening code for a new outdoor eating/drinking/smoking area; add a new code A-5 for outdoor eating/ drinking/smoking areas; renumber the A codes

Amendment LS15 – 157.408(D)(2)(n):

It is not clear how many trees need to be provided in large parking area internal tree islands, or how large the islands need to be; clarify the language for the number of trees and the minimum tree island square footage area in the Planting Islands Required provisions

Amendment LS16 – 157.408(E)(2)(b) and (c):

In addition to the other parking area landscape standards, there are 10% and 15 % interior landscape standards, and an internal planting area drainage standard; delete the 10% and 15 % interior landscape standards from the Additional Parking Area Landscape Standards; remove the drainage standard and the two associated graphics

Amendment DEF1 – 157.506(B):

There is no definition of buffer yard; add the following definition of buffer yard; “For the purposes of the landscape standards, an area between a building, structure, or use and an adjacent property or street right of way. The area shall be available for berms, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, parking areas, driveways, and activity areas and adjacent uses, buildings, structures, and streets, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual developments. A buffer yard may be located within a required front, side, or rear yard building setback.”

Amendment DEF2 – 157.506(B)

The definition of “Solid Fence” is unclear and does not state which materials are permitted; revise the definition to: “A fence erected or constructed to prevent views across the fence line. For the purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.”

Amendment DEF3 – 157.506(B):

The definition of outdoor activity area is unclear; the terms “outdoor” and “outside” are inconsistently used; Clarify the definition to: “The use of an area for outside activities by a nonresidential use. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading areas, and storage areas shall be considered outdoor activity areas. Gardens, front-facing automobile service bays and similar uses shall not be considered outdoor activity areas.”

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on April 22, 2019.

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Helton, City Attorney