

#ZORD-2023-0004

BILL NO. G-23-10-19

ORDINANCE NO. Z-_____

**AN ORDINANCE amending Chapter 157 Section 506
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 Section 157.506 (Definitions) are hereby amended as follows.

Amendment DEF1 - 157.506(B)

Definition of Arcade: To clarify that the definition of Arcade should state that betting or gambling facility is not included; added a statement to clarify the definition of Arcade: "This definition does not include betting or gambling facility or casino."

Amendment DEF2 - 157.506(B)

Betting or Gambling Facility is not defined; added a definition for Betting or Gambling Facility stating "a structure or facility in which games of chance are performed by a for-profit or non-profit organization, including off-track betting, where permanent tables are not present. This definition does not include casino."

Amendment DEF3 - 157.506(B)

Bingo Establishment is not defined; added a definition for Bingo Establishment stating "a structure or facility in which bingo operations are performed by a for-profit or non-profit organization."

Amendment DEF4 - 157.506(B)

Casino is not defined; added a definition for Casino stating "a structure or facility in which gaming operations are performed by a for-profit or non-profit organization, where permanent tables are present. This definition does not include betting or gambling facility."

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 10, 2024.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Ordinance Amendment
Case Number(s): ZORD-2023-0004
Bill Number: G-23-10-19
Council District: all

Introduction Date: October 24, 2023

Plan Commission
Public Hearing Date: November 13, 2023 (not heard by Council)

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 Section 506) See attached amendment summary.

Location: The planning jurisdiction of the City of Fort Wayne.

Applicant: The Fort Wayne Plan Commission

Related Petitions: Petition ZORD-2023-0004 is being brought forward by the Fort Wayne Plan Commission for consideration by the Fort Wayne Common Council.

Effect of Passage: No changes are proposed to the current permitted uses. This amendment is proposed to clarify what constitutes a betting and other gambling facility; and define what is meant by betting or gambling facility, bingo establishment, and casino. A casino will not be a permitted use in any Fort Wayne zoning district.

Effect of Non-Passage: The proposed clarification of definitions for arcade, betting or gambling facility, bingo establishment, and casino will not be updated, and the clarification of where a casino is permitted will not be achieved by the City of Fort Wayne.



DEPARTMENT OF PLANNING SERVICES

Citizens Square
200 East Berry Street, Suite 150
Fort Wayne, Indiana 46802

260.449.7607 Office
260.449.7682 Fax
www.allencounty.us/dps



MEMORANDUM

To: Fort Wayne Common Council
From: Department of Planning Services – Sarah Jones; Senior Land Use Planner
Date: October 18, 2023
Subject: Introduction: Fort Wayne Zoning Ordinance Betting & Other Gambling Facility Amendment

This letter serves to inform the Fort Wayne Common Council that the Fort Wayne Zoning Ordinance Betting & Other Gambling Facility Amendment will be heard by the Fort Wayne Plan Commission on November 13th, 2023.

The proposed Zoning Ordinance Amendment will subsequently be brought to the Fort Wayne Common Council for discussion and vote.

The purpose of this amendment is to amend a section of the zoning ordinance, to:

- 1) Clarify what constitutes a betting and other gambling facility; and
- 2) Define what is meant by betting or gambling facility, bingo establishment, and casino.

Staff would be happy to answer any questions regarding this proposed amendment.

Sarah Jones, AICP
Senior Planner | Special Projects
Department of Planning Services

2023 Fort Wayne Betting and Other Gambling Facility Ordinance Amendments Summary

This amendment is proposed to address the following:

- 1) Clarify what constitutes a betting and other gambling facility; and
- 2) Define what is meant by betting or gambling facility, bingo establishment, and casino.

A summary of the proposed amendment is below; the proposed effective date is January 10th, 2024.

Betting and Gambling Facility - Draft Summary of Amendments			
No.	Keyword/ Reference FW	Issue	Proposed Amendments
DEF1	Definitions FW (384)	Definition for Arcade should state that betting or gambling facility is not included.	Added a statement to clarify the definition of Arcade: “This definition does not include betting or gambling facility or casino.”
DEF2	Definitions FW (387)	Betting or gambling facility is not defined.	Added definition of “betting or gambling facility”. Betting or Gambling Facility A structure or facility in which games of chance are performed by a for-profit or non-profit organization, including off-track betting, where permanent tables are not present. This definition does not include casino.
DEF3	Definitions FW (387)	Bingo establishment is not defined.	Added definition of “bingo establishment”. Bingo Establishment A structure or facility in which bingo operations are performed by a for-profit or non-profit organization.
DEF4	Definitions FW (391)	Casino is not defined.	Added definition of “casino”. Casino A structure or facility in which gaming operations are performed by a for-profit or non-profit organization, where permanent tables are present. This definition does not include betting or gambling facility.

Fort Wayne Comparison Use Table – For Reference Only													
No changes are proposed to the current permitted uses; this amendment provides clarification to the definition of a Casino, and a Casino will not be a permitted use in any Fort Wayne zoning district.													
Fort Wayne Permitted Uses	C1	C2	NC	SC	C3	C4	DC	DE	UC	BTI	I1	I2	I3
Betting or Gambling Facility					P	P	P	P				P	P
Bingo Establishment		P	P	P	P	P	P	P	P		P	P	P
Casino (<i>Not permitted</i>)													

FACT SHEET

Case #ZORD-2023-0004 Bill # G-23-10-19

Project Start: October 2023

PROPOSAL:	Petition ZORD-2023-0004, Amendment to Chapter 157 of the Fort Wayne City Code
APPLICANT:	Fort Wayne Plan Commission
REQUEST:	To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Section: Section 157.506 (Definitions)
AFFECTED AREA:	City of Fort Wayne planning jurisdiction
COUNCIL DISTRICT:	All
SPONSOR:	City of Fort Wayne Plan Commission

November 13, 2023 Public Hearing

- No one spoke in support or with concerns.
- Tom Freistroffer, Karen Richards, and Ryan Neumeister were absent.

November 20, 2023 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Paul Sauerteig and seconded by Tom Freistroffer to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
November 21, 2023

PROJECT HISTORY AND DISCUSSION

A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157 Section 506). The ordinance amendment shall apply to zoning districts within the Fort Wayne planning jurisdiction. No changes are proposed to the current permitted uses.

This amendment is proposed to:

- 1) Clarify what constitutes a betting and other gambling facility; and
- 2) Define what is meant by betting and other gambling facility, bingo establishment, and casino.

A casino will not be a permitted use in any Fort Wayne zoning district.

The proposed amendments are listed in the attached summary. A copy of the redlined version will be distributed at the hearing. The summary shows which pages will be affected in each ordinance. The proposed effective date of these amendments is January 10, 2024.

PUBLIC HEARING SUMMARY:

Presenter: Dave Schaab, Principle Planner for Special Projects, presented the request as outlined above.

Public Comments:

None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

ZORD-2023-0004

Amendment to Chapter 157 of the Fort Wayne City Code

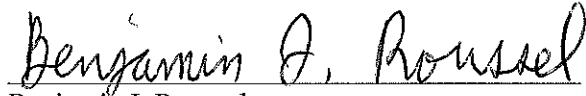
APPLICANT: Fort Wayne Plan Commission

REQUEST: To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Section:
Section 157.506 (Definitions)

AFFECTED AREA: City of Fort Wayne planning jurisdiction

The Plan Commission recommends that Zoning Ordinance Amendment ZORD-2023-0004 be returned to Council with a “Do Pass” recommendation.

These findings approved by the Fort Wayne Plan Commission on November 20, 2023.



Benjamin J. Roussel

Executive Director

Secretary to the Commission

2023 Fort Wayne Betting and Other Gambling Facility Ordinance Amendments Summary

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