

#ZORD-2024-0007

BILL NO. G-24-12-01

ORDINANCE NO. Z-_____

**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 157.203 through
157.224 (Zoning Districts); Section 157.404 (Development Design Standards); and Section
157.506 (Definitions) are hereby amended as follows.

Amendment SU1 - § 157.203 (C)

Accessory building conversions to single family dwellings is to be a permitted use; Removed
"Accessory building conversion to a single family dwelling;" as a Special Use from AR, A1,
and A3.

Amendment ACC1 - § 157.206 (D) through § 157.224 (D)

Storage Building is not listed in the ordinance outside of definition. Added Storage Building
to the Religious Institution Accessory Buildings, Structures, and Uses Table with footnote ⁽¹⁾.
"Also permitted for nonresidential uses" in all zoning districts.

Amendment DDS1 - § 157.213 (B) through § 157.215 (B)

There is a requirement for building size and number of buildings requirements in the C2, NC,
and SC zoning districts. Removed, "Limitations on Building Size and Number of Buildings"
section from the C2, NC and SC zoning districts.

Amendment DDS2 - § 157.404 (D)(2)(a)

There is an issue concerning the applicability of the Access Development Design Standard
provision. Removed "or private" from Additional Standards for Major Subdivisions.

Amendment DDS3 - § 157.404 (U)(6)(a) & (U)(6)(a)(i)

There is an issue concerning interconnection in the Vehicle Circulation and Streets
Development Design Standards provision. Removed "and private" from § 157.404
(U)(6)(a) & (U)(6)(a)(i): All public and private streets in Development Plans shall: (i) Be
aligned to join with planned or existing public and private streets (including stub streets) on
adjoining parcels, and...

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Amendment DEF1 - § 157.506

There is confusion with the definition of Manufactured Home Type III and where these home types are permitted. Removed ", in a manufactured home park or other approved lot" from AC definition and "in a manufactured home park" from FW Definition.

Amendment DEF2 - § 157.506

There is confusion concerning definition language between Shed and Storage Shed. Changed definition of Shed to "An accessory structure to a single family or two family residential use used for the storage of household recreational or yard equipment, gardening materials, tools, and household similar items, but excluding portable storage containers, shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles."

Amendment DEF3 - § 157.506

There is confusion concerning definition language between Shed and Storage Shed. Removed definition of Storage Shed and added (see Shed).

Amendment DEF4 - § 157.506

EV Charging Stations are not addressed in the Zoning Ordinance. Revised the definition of Utility Fixture, Accessory to include "electric vehicle charging stations".

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on March 1, 2025.

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: ZORD-2024-0007
Bill Number: G-24-12-01
Council District: all

Introduction Date: November 26, 2024

Plan Commission
Public Hearing Date: December 9, 2024 (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)

Location: Within the planning jurisdiction of Fort Wayne.

Applicant: The Fort Wayne Plan Commission

Related Petitions: A similar amendment is being proposed to the Allen County Zoning Ordinance.

Effect of Passage: This set of technical amendments is proposed to:
1) Clarify language that is not clear based on the use of the ordinances so far;
2) Address issues that have come up since the effective date of the last technical amendment, February 23, 2024;

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified with regard to the zoning ordinance.

Department of Planning Services Zoning Ordinance Amendment Application

Project Name Fort Wayne Zoning Ordinance Amendment
Applicant Department of Planning Services
Address 200 E Berry St. Suite 150
City Fort Wayne State IN
Telephone 260-449-7607 Zip 46802
Email lauraoberholtzer@allencounty.us

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction

☐ Other lauraoberholtzer@allencounty.us

Proposed Effective Date March 1, 2025

Legislative Body Fort Wayne City Council

Brief Description of Zoning Ordinance Amendment
(Please attach full amendment document)

This set of accessory dwelling unit amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the last technical amendment, February 23, 2024



Dave Schaab
Signature of Applicant

Digitally signed by Dave Schaab
DN: cn=Dave Schaab, o=Department of Planning Services, ou=Allen County,
email=lauraoberholtzer@allencounty.us, c=US

Dave Schaab
Printed Name

10/1/2024
Date

Memo

To: Fort Wayne Plan Commission

From: Laura Oberholtzer, Principal Land Use Planner – Special Projects Division

Date: 10/17/2024

Subject: Technical Amendment Initiation

The Department of Planning Services is requesting the Fort Wayne Plan Commission to initiate a set of technical amendments for the Fort Wayne Zoning Ordinance. These proposed technical amendments for the Fort Wayne Zoning Ordinance are to clarify language and address issues that have come up since the effective date of the last technical amendment, February 23, 2024.

If you have any follow up questions or comments, please feel free to reach out to me directly at lauraoberholtzer@allencounty.us. Thank you for your consideration.

2024 DRAFT Allen County and Fort Wayne Zoning Ordinance

Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the last technical amendment, February 23, 2024;

A summary of the proposed 2024 technical amendments is below; the proposed effective date is March 1, 2025. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances may also be amended.

Draft Summary of Amendments			
No.	Keyword/Reference Page #	Issue	Proposed Amendments
SU1	Special Uses (accessory conversion) and Permitted Uses FW (18, 355) AC (14, 22)	§ 157.203 (C) /3-2-3-3 (a)(1) Accessory building conversions to single family dwellings is to be a permitted use	Removed “ Accessory building conversion to a single family dwelling; ” as a Special Use from AR, A1, and A3.
SU2	Special Uses (animal grooming) AC (14)	3-2-3-3 (a) It is unclear when Animal Grooming is permitted in the A1 zoning district.	Added Animal Grooming as a Special Use in A1 zoning district.
ACC1	Accessory Buildings, Structures and Uses FW (27 et al) AC (31 et al)	§ 157.206 (D) et al / 3-2-6-4 et al Storage Building is not listed in the ordinance outside of definition.	Added Storage Building to the Religious Institution Accessory Buildings, Structures, and Uses Table with footnote ⁽¹⁾ . “Also permitted for nonresidential uses ” in all zoning districts.
DDS1	Development Standards FW (69,77, 85) AC (65,73,81)	§ 157.213 (B) / 3-2-13-2 There is a requirement for building size and number of buildings requirements in the C2, NC, and SC zoning districts.	Removed, “Limitations on Building Size and Number of Buildings” section from the C2, NC and SC zoning districts.
DDS2	Development Design Standards FW (209)	§ 157.404 (D)(2)(a) There is an issue concerning the applicability of the Access Development Design Standard provision.	Removed “or private ” from Additional Standards for Major Subdivisions.
DDS3	Development Design Standards FW (215) AC (186)	§ 157.404 (U)(6)(a) & (U)(6)(a)(i)/ 3-4-4-21 (g)(1) & (g)(1)(A) There is an issue concerning interconnection in the Vehicle Circulation and Streets Development Design Standards provision.	Removed “and private ”: All public and private streets in Development Plans shall: Be aligned to join with planned or existing public and private streets (including stub streets) on adjoining parcels, and...

PRO1	Special Uses-List of Special Uses AC (307)	3-5-3-4 (a) Animal grooming was added as a special use in the A1 zoning district	Added Animal Grooming to Special Use table
PRO2	Special Uses-Standards and Provisions AC (314)	3-5-3-5(c)(9)(D) There is a difference between the AC ordinance and the FW ordinance regarding Container Home Special Use standards.	Aligned Container Home Special Use Standards in Allen County with Fort Wayne: Revised to, “Certified by an Indiana Structural Engineer or Indiana Registered Architect.”
DEF1	Manufactured Home Type III FW (426) / AC (375)	§ 157.506 / 3-5-6-2 There is confusion with the definition of Manufactured Home Type III and where these home types are permitted	Removed “, in a manufactured home park or other approved lot ” from AC definition and “in a manufactured home park ” from FW definition
DEF2	Shed FW (440) / AC (390)	§ 157.506 / 3-5-6-2 There is confusion concerning definition language between Shed and Storage Shed.	Changed definition of Shed to “An accessory structure to a single family or two family residential use used for the storage of household recreational or yard equipment, gardening materials, tools, and household similar items, but excluding portable storage containers , shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.”
DEF3	Storage Shed FW (449) / AC (399)	§ 157.506 / 3-5-6-2 There is confusion concerning definition language between Shed and Storage Shed.	Removed definition of Storage Shed and added (see Shed)
DEF4	Utility Fixture FW (455) / AC (405)	§ 157.506 / 3-5-6-2 EV Charging Stations are not addressed in the Zoning Ordinance	Revised the definition of Utility Fixture , Accessory to include “electric vehicle charging stations”