

## 2019 County and Fort Wayne Zoning Ordinance Landscape Standards Amendments Summary

This set of amendments is proposed to improve the landscape plan review and approval process by:

- 1) Clarifying the landscape standards language;
- 2) Simplifying/reducing the number of landscape codes;
- 3) Aligning the development, landscape, and residential impact mitigation standards, where they are different; and
- 4) Addressing the other landscape standards issues, and related issues that have been identified since 2014.

A summary of the proposed amendments is below; both the Allen County and Fort Wayne ordinances will be amended at this time. The effective date is proposed to be April 22, 2019. To maintain alignment with the County and Fort Wayne, the Huntertown and Woodburn ordinances will also be amended after the completion of these amendments.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/ Page Numbers (AC/FW)</b>	<b>Issue</b>	<b>Proposed Amendments</b>
DS1	Development Standards 63 et al/67 et al	There are questions on the applicability of the Outside/Outdoor Activity provisions, and 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 [3-2-12-5(a), et. al., and 157.212(E)(1) et. al.]
SPR1	Site Plan Review 137/167	There are issues with requiring Site Plan Review for outdoor activity areas	Change the “When Required” 3-3-3-2(b)/157.302(B)(2) language from “an outdoor activity area” to “an outdoor eating/drinking/smoking area”; add “smoking” to the Exclusion language
DDS1	Development Design Stds. 169 et al/200	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 3-4-4-14(b)(3)/ 157.404(N)(2)(c)
DDS2	Development Design Standards 170 et al/200	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 Additional Height standards to: “No primary <del>or accessory</del> buildings or structures exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH district.” [3-4-4-15(a)/ 157.404(O)(1)]. Keep the primary building standards.
LS1	Landscape Standards 189 et al/225	The terms “outdoor activity area” and “outside activity area” are not used consistently; other terms also inconsistent	Change “outside activity area” to “outdoor activity area”, to match the defined term; update the language for consistency throughout the Standards [3-4-4; 157.408]
LS2	Landscape Standards 189 et al/225	The Applicability provisions are unclear	Clarify the language by putting the provisions into a list; add outdoor eating/drinking/smoking areas provisions [3-4-8-2; 157.408(B)]
LS3	Landscape Standards 190 et al/227	The landscape standards allow a fence to be substituted for screening a building or activity area, but not a mound. A mound should be permitted to be substituted, as long as an equivalent amount of screening is provided.	Add the following to the General Standards and Requirements Mounding Standards [3-4-8-4(a)(8)/ 157.408(D)(1)(h)]; “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.” Change the standards to a list.
LS4	Landscape Standards 191 et al/227	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 <b>solid</b> fence” to the Fencing Used for Screening provisions [3-4-8-4(a)(9)/157.408(D)(1)(i)]

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No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
LS5	Landscape Standards 191 et al/227	The nonresidential Development Standards tables have a greater side yard requirement for primary buildings than the Landscape standards (25' setback vs. 20' buffer yard); the nonresidential Development Standards tables have a greater rear yard requirement for primary buildings than the Landscape standards (50' setback vs. 30' buffer yard)	Add the following Buffer Yard language to the Landscape Standards General Standards and Requirements provisions, as a new 3-4-8-4(a)(11)/ 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.”
LS6	Landscape Standards 193/229	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 [3-4-8-4(b)(4)/157.408(D)(2)(d)]
LS7	Landscape Standards 194/231	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 [3-4-8-4(b)(6)/157.408(D)(2)(f)]
LS8	Landscape Standards 195/232	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; update the B3 language [3-4-8-4(b)(7)/157.408(D)(2)(g)]
LS9	Landscape Standards 196/233	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; renumber the codes [3-4-8-4(b)(8)/157.408(D)(2)(h)]
LS10	Landscape Standards 198/234	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 [3-4-8-4(b)(6)/157.408(D)(2)(j)]
LS11	Landscape Standards 198/234	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 [3-4-8-4(b)(10)/157.408(D)(2)(j)]
LS12	Landscape Standards 200/236	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 [3-4-8-4(b)(6)/157.408(D)(2)(k)]
LS13	Landscape Standards 200/236	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” [3-4-8-4(b)(11)/157.408(D)(2)(k)]
LS14	Landscape Standards 200/236	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 [3-4-8-4(b)(11)/157.408(D)(2)(k)]
LS15	Landscape Standards 203/240	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 [3-4-8-4(b)(14)/157.408(D)(2)(n)]
LS16	Landscape Standards 204/240	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 [3-4-8-5(b)(2) and (3)/157.408(E)(2)(b) and (c)]

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No.	Keyword/ Page Numbers (AC/FW)	Issue	Proposed Amendments
DEF1	Definitions – 317/361	There is no definition of buffer yard	Add the following definition of buffer yard; include that a buffer yard is not in addition to a setback standard: “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.”
DEF2	Definitions – 317/379	The definition of “Solid Fence” (Fence, Solid) 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.” Delete the definition of “Fence, Privacy”
DEF3	Definitions – 360/394	The definition of outdoor activity area is unclear; the terms “outdoor” and “outside” are inconsistently used	Clarify the definition as shown below, and generally change the word “outside” to “outdoor” to match the defined term: “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.”