

## 2017 Town of Huntertown 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 Huntertown replacement ordinance (1/1/2017) ;
- 3) Maintain alignment with the Allen County and Fort Wayne ordinances, which are also being amended at this time

A summary of the proposed 2017 technical amendments is below; the proposed effective date is January 1, 2018.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/ Page Numbers Redline (CO)</b>	<b>Issue</b>	<b>Proposed Amendments</b>
AN1	Annexation 2-5 (2)	Several annexation-related issues have been identified	What happens to previous PC/BZA approvals, or ILP projects. Revise ordinances as set forth in proposed Bob Eherenman language (see redlined ordinance)
AS1	Accessory Bldgs, Structures, & Uses 20 et al (18 et al)	There has been confusion over portable storage units, storage buildings, and sheds	Remove “shed or other storage building” from the Universally Permitted Accessory Buildings, Structures, and Uses table; add “shed” to the Residential Permitted Accessory Buildings, Structures, and Uses table
AS2	Accessory Dwelling Units 21 et al (18 et al)	There has been confusion over what the minimum square footage of a freestanding and integrated Accessory Dwelling Unit needed to be	Freestanding Accessory Dwelling Units need to be at least 950 square feet; integrated ADUs need to be a minimum of 300 square feet; (revise applicable residential Accessory Buildings, Structures, and Uses tables)
PU1	Permitted Uses 21 (19)	There has been confusion as to whether a freestanding accessory dwelling unit is permitted in the AR districts	Update the AR development standards tables to clarify that two dwelling units are permitted
SU1	Special Uses 26 et al (24 et al)	Temporary subdivision signs are currently a Special Use in AR; there have been requests to locate these signs in other districts	Add the Special use from the AR district to all of the zoning districts
DS1	Development Standards 26 et al (28 et al)	There is confusion over where the minimum lot width is measured	Revise to clarify that lot width is measured at both the front building line and the front lot line
DS2	Development Standards 29, 30 et al (27, 28 et al)	A fence is defined as an accessory structure, but there are fence development standards for corner lots, in addition to the accessory structure standards – needs to be clarified	Treat retaining walls and fences the same; align the development standards, yard projections, and accessory structures exceptions to standards provisions; split fence and wall provisions into individual lines; add “except for fences and walls” and “or a retaining wall of up to 3’ in height” to the Side Yard Corner lot provisions bullet points; update the Yard projection table per fence/wall staff sheet
DS3	Development Standards 41 (37)	There is a conflict between the R3 permitted uses and development standards	Resolve the conflict by adding “multiple primary buildings shall be permitted if approved by the Plan Commission as part of a development plan” to the development standards table language

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DS4	Development Standards 42 (40)	It is not clear whether the multiple family perimeter setback applies only to a complex or to a single building as well	Clarify the development standards in the R3 and RP districts by adding “building and” to the Multiple family complex perimeter setback standard
DS5	Development Standards 42 (40)	It is unclear what the building setback is for additions/new buildings in residential condominium development plans	Foxwood, Covington Creek, and other condominium projects are multiple family complexes; revise the R3 10’ side yard standard to be a 10’ building separation standard for these types of projects; divide the multiple family complex building separation into “multiple family building”, “condominium building”, and “townhouse building”
PU2	Permitted uses 56 (53)	Tattoo establishment is not included in the definition of personal services	Delete the C1 footnote excluding tattoo establishments; tattoo establishments will still not be a permitted C1 use
SU2	Special Uses 58 (55)	It is not clear if the retail (neighborhood) special use has to be in an existing building	Clarify the language to make it clear that this Special Use is only permitted for an existing building; remove the word (neighborhood)
DS6	Development Standards 60 et al (57 et al)	It is not clear if a nonconforming primary building setback allows for an accessory building to be closer also	Clarify that “The smallest existing nonconforming primary building setback” provision in the commercial and industrial districts does not apply to an accessory building or structure by adding “A new primary building or an addition to an existing primary building may meet” to the language
PU3	Development Standards 62 et al (59 et al)	The ordinance is not clear on when an existing nonconforming gravel parking needs to be paved	Revise the commercial permitted uses general language by replacing the word “existing” gravel surface with “permitted”
PU4	Permitted Uses 104 (101)	It is not clear that the Business, Technology, and Industrial Park district permits a professional office/research facility	Add “professional office and research facility” to the BTI permitted uses
PU5	Permitted Uses 117, 124 (114, 120)	There was a question as to where “equipment rental” is/should be permitted	Add limited and general equipment rental to the I2 and I3 districts
DPI	Development Plans 129 (125)	The language for when a development plan is required for multiple buildings is unclear	Clarify language by revising it to “Projects involving multiple buildings on a single lot or development site”
AU1	Accessory Structures/Uses 158-159 (154-155)	There is a conflict between the Parking and Vehicle Storage and the Prohibited Vehicles provisions	Update the provisions by dividing the language into Permitted vehicle storage and prohibited vehicle storage; update definition of motor vehicle to add “golf cart”, “lawn mower” and “lawn implements”
OS1	Outdoor storage 162 (157)	The outdoor storage provisions needs to be revised to address non-temporary portable storage units	Revise by adding “Portable storage containers used for accessory outdoor storage, if used for over 120 days, shall only be permitted in the C3, C4, I1, I2, and I3 districts, and shall meet the applicable provisions for outdoor storage in this chapter.”

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TS1	Temporary Structures/Uses 164 (159)	The Temporary Structures and Uses section title does not include the word “Buildings”	Add the word “Buildings” to the title
TS2	Temporary Structures/Uses 164 (159)	It is unclear where shipping containers/portable storage units as an temporary use are permitted	Add “A temporary storage or similar structure, including a portable storage container, shall be permitted in a residential district for up to 90 days without a certificate of use; if the applicant obtains a certificate of use then the structure may be permitted up to 120 days” to the language
TS3	Temporary Structures/Uses 165 (160)	It is unclear which districts a temporary tent is permitted in, and which uses are permitted in conjunction with a temporary tent	Add/revise language to clarify how and where a tent is permitted in (see updated Temporary Tent language sheet); align time frames with the Board of Health
DDS1	Development Design Stds. 167 (162)	There have been issues with the Major Subdivision access point per lot standard	Change the standard to match the County’s existing standard of one access point per 150 lots
DDS2	Development Design Stds. 169 (164)	It is unclear about how a project phasing /timing of construction of sidewalks would lead to the requirement to install a sidewalk	Add “required and” before “existing” to 3-4-4-14(a)(1); change 3-4-4-14(b)(1)(A) to “including all development proposed as part of a primary development plan since April 4, 2014”;
DDS3	Development Design Stds. 169 (164)	It is not clear when a multi-use trail would be required to be installed	Add “if engineering plans have been approved for the trail” to 3-4-4-14(a)(3) and 157.404(N)(c)
DDS4	Development Design Stds. 173 (168)	There have been issues in terms of interconnections for both residential projects and nonresidential projects	Update ordinances per Bob Eherenman language for interconnections for development plans and plats
DSW1	Development Standards Waivers 177 (171)	It is unclear if the height exclusion for amateur radio towers applies to both a freestanding or building mounted tower	Add (freestanding or building mounted) to “amateur radio tower/antenna” provision (add antenna as well)
DSW2	Development Standards Waivers 178 (172)	It is unclear if the height exclusion for television aerials includes radio antennae, and if it includes both a freestanding and building mounted tower	Change language to “Television aerials (residential), including radio antennae (freestanding or building mounted)
PARK1	Parking 182 (176)	There is no specific parking standard for a public airport	Add “airport” to the list of uses that do not have a minimum parking requirement
S1	Signs 209 (203)	There have been issues with automatically-permitted Electronic Message Center signs for Board of Zoning Appeals-approved uses	Create a separate EMC signage provision for BZA uses; create provisions for Single and Two Family, Other Permitted Residential Uses, Universally Permitted Uses, and BZA-approved uses
S2	Signs 209 (203)	There have been requests to install “subdivision/neighborhood” signs; it is not clear how to deal with the “neighborhood” signs	Create a neighborhood sign provision by adding “primary signage” and “neighborhood” to the first subdivisions provisions

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S3	Signs 209 (203)	There is no provision for smaller auxiliary subdivision signs within a development (like for different sections/types of homes)	Add a provision for smaller non-illuminated auxiliary subdivision signs (4' high, 24 square feet)
S4	Signs 220 (213)	The Sign height language in the Sign Measurement provisions is not consistent with the definition of sign height	Align the language by revising the sign measurement language
BZA1	BZA 249 (241)	Court cases have stated that the BZA may impose a greater standard where the ordinance has specific standard, based on evidence submitted at the hearing	Update the BZA powers provisions as proposed by Bob Eherenman to make it clear that the Board is permitted to do this; update the definition of conditions as part of this revision
ILP1	Improvement Location Permits (ILPs) 257 (249)	There is not a provision for the validity of incomplete non-Site Plan ILP applications	Add a provision for validity of non-Site Plan ILP applications to the Improvement Location Permit provisions (new "g")
ILP2	ILPs 258/361 (250/351)	There was a question as to whether a building mounted solar panel required an ILP	Building mounted solar panel falls under utility fixture, no ILP needed (add term to definition of utility fixture and to ILP exclusion table)
ILP3	ILP exclusions 258 (250)	The term "handicap ramp" is used in the ILP exclusions table, but the term "access ramp" is also used and defined	Remove the term handicap ramp from the ILP exclusion table; this is part of the definition of access ramp
ILP4	ILP exclusions 258 (250)	ILP exclusions – there are some structures missing from the exclusion lists	Add arbor, storage tank (underground), and Type 2 and Type 3 manufactured home in a manufactured home park
ILP5	ILP Exclusions 258 (250)	There is a typo in the Exclusions table cross reference, says 154.316, should be 154.409	Revise to correct typo
CU1	Contingent Uses 263 (255)	Look at the contingent uses provisions and determine which public facilities require a CU	Remove the Community Facility use from the list of permitted contingent uses; update the definitions of Community Facility and Neighborhood Facility
SU3	Special Uses 268 (260)	The Commercial Communication Tower language is not clear	Clarify the Commercial Communication Tower Special Use language for AC 3-5-3-4(c)(1)(B) and FW 157.503(D)(3)(a)(ii); break up the sentence into separate requirements
NC1	Nonconforming Situations 275 (267)	It is not clear that an existing nonconforming single family residence can add a detached garage and/or fence	Add language to Nonconforming use (C)(2)(a)(i) to make it clear that a SFR can add a detached garage and/or fence without it being considered a non-permitted expansion of the use
NC2	Nonconforming Situations 277 (269)	There have been questions as to what "type" means in "type of fence" under Other Nonconforming Situations	Change the Fence language from "type" to "style and material"

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DEF1	Definitions 287 (279)	The Accessory Dwelling Unit definition is unclear	Clarify the definition by changing “is intended to be” to “shall be”
DEF2	Definitions 289 (281)	There is no definition of “agricultural fence”	Add “agricultural fence” to definitions
DEF3	Definitions Various pages	There are currently dimensional standards included in individual definitions; review and determine if the standard should be kept or removed from the definition, or added to the ordinance text	See updated Defined Terms sheet for determinations
DEF4	Definitions 290 (282)	There are farm animals not included in the animal density provisions of the “Agricultural Livestock Operation, Low Intensity” definition	Add “sheep <b>and goats</b> ” and “horses <b>and llamas</b> ” to the definition
DEF5	Definitions 296 (287)	There were questions about individuals living in tents and campers/RVs	Revise the definitions of building, single family dwelling, and structure; add tents and recreational vehicles to the definition exclusions
DEF6	Definitions 301 (292)	Look at the contingent uses provisions and determine which public facilities require a CU	Remove the Community Facility use from the list of permitted contingent uses; update the definition of Community Facility
DEF7	Definitions 302 (293)	Court cases have stated that the BZA may impose a greater standard where the ordinance has specific standard, based on evidence submitted at the hearing	Update the BZA powers provisions as proposed by Bob Eherenman to make it clear that the Board is permitted to do this; update the definition of conditions as part of this revision
DEF8	Definitions 307 (298)	There were questions about individuals living in tents and campers/RVs	Revise the definitions of building, single family dwelling, and structure; add tents and recreational vehicles to the definition exclusions
DEF9	Definitions Various pages	There is confusion within several of the medically-related definitions as to whether the uses allow overnight stays	Update the definitions of “hospice care center”, “hospital”, “medical facility or office”, “nursing home”, “rehabilitation facility”, and “treatment center” to clarify the overnight stay provisions
DEF10	Definitions 329 (319)	There is confusion over where the minimum lot width is measured	Revise to clarify that lot width is measured at both the front building line and the front lot line, including updating the definition of “lot width, minimum”
DEF11	Definitions 333 (323)	There is a conflict between the Parking and Vehicle Storage and the Prohibited Vehicles provisions	Update the provisions by dividing the language into Permitted vehicle storage and prohibited vehicle storage; update definition of motor vehicle to add “golf cart”, “lawn mower” and “lawn implements”
DEF12	Definitions 335 (325)	Look at the contingent uses provisions and determine which public facilities require a CU	Remove the Community Facility use from the list of permitted contingent uses; update the definition of Neighborhood Facility
DEF13	Definitions 339 (329)	There have been issues with individuals calling junk materials play equipment	Update definition of play equipment by deleting “and other similar uses”, adding “but excluding materials that meet the definition of junk as set forth herein”

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DEF14	Definitions 341 (331)	Radio or television tower is defined but not listed as a permitted or special use	Remove the definition of Radio or Television Tower
DEF15	Definitions 345 (335)	There was a question as to where a drywall business with no customer showroom would be permitted	Delete “home accessory/improvement store” from the Retail/Limited definition and add Home Repair
DEF16	Definitions 347 (337)	Revisit the need to have a separate definition of school, parochial; school, private; and school, public; “parochial school”, “private school”, and “public school” used only in definitions	Remove School, Parochial; School, Private; and School, Public definitions; add “post” to secondary in “business school” definition
DEF17	Definitions 350 (339)	There have been questions about the application of the blade signs provisions	Remove the 60 foot building height provision from the definition of “Sign, blade”; add “The height of a blade sign shall be at least 1.5 times the sign width” to the definition.
DEF18	Definitions 353 (342)	There have been questions about the difference between blade signs and projecting signs	Add “The height of a blade sign shall be at least 1.5 times the sign width” to the “sign, blade” definition and add “The height of a projecting sign shall be less than 1.5 times the sign width” to the definition of “sign, projecting”.
DEF19	Definitions 354 (343)	Tweak definition of “sign fabrication shop” to include fabrication, maintenance, and/or installation of signs.	Add “The maintenance and installation of signs shall also be permitted as part of this use” to the definition.
DEF20	Definitions 355 (344)	It is unclear which districts a temporary tent is permitted in, and which uses are permitted in conjunction with a temporary tent	Add/revise language to clarify how and where a tent is permitted in (see updated Temporary Tent language sheet); update definition of Special Event as part of this
DEF21	Definitions 356 (345)	“Standards” as defined refers to Board of Works/County Highway Department; is not used that way	Delete definition of “standards”
DEF22	Definitions 356 (345)	There have been questions about what a church steeple is and if the additional residential mitigation setback standards apply to a church with a steeple	Define steeple as “a conical, pyramidal, or similar structure on the top of a tower or roof of a religious institution; the additional setback standard does not apply
DEF23	Definitions 357 (346)	There are definitions for “street”, “private street”, and “public street”; the definitions conflict	Delete the definition of “street”
DEF24	Definitions 358 (347)	There were questions about individuals living in tents and campers/RVs	Revise the definitions of building, single family dwelling, and structure; add tents and recreational vehicles to the definition exclusions
DEF25	Definitions 358 (347)	The definition of “substantial change” does not allow for any increase in the number of residential lots	Add a provision to the definition to allow for an increase in the number of residential lots of up to 5% of the original number of lots

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DEF26	Definitions 359 (348)	It is unclear which districts a temporary tent is permitted in, and which uses are permitted in conjunction with a temporary tent	Add/revise language to clarify how and where a tent is permitted in (see updated Temporary Tent language sheet); delete the definition of Temporary Use as part of this
DEF27	Definitions 362 (350)	The definition of “use, nonresidential” does not include educational or religious institution	Add educational institution and religious institution to definition (exclude parsonage, convent, etc.)
DEF28	Definitions 362 (351)	There was a question as to whether a building mounted solar panel required an ILP	Building mounted solar panel falls under utility fixture, no ILP needed (add term to definition of utility fixture and to ILP exclusion table)
DEF29	Definitions 363 (352)	There have been questions about where a logistics facility would be permitted	Add “logistics and supply chain facility” to the definition of wholesale facility