

## **FORT WAYNE ZONING ORDINANCE AMENDMENT LEGAL NOTICE**

The Fort Wayne Plan Commission will hold a public hearing on a proposed Fort Wayne zoning ordinance amendment, affecting the areas within the planning jurisdiction of the City of Fort Wayne, on January 7<sup>th</sup>, 2019. The hearing will be held in Room 35 of Citizen's Square, 200 East Berry Street, beginning at 5:30 p.m. These amendments are proposed to address issues identified by the Common Council relative to gas station uses by:

- 1) Addressing the number of permitted and special uses for gas stations available in the existing zoning categories by reducing the number of zoning categories that allow gas stations, whether by permitted or special use, while still providing zoning districts that permit gas stations; and
- 2) Clarifying how existing nonconforming gas station uses will be treated in the ordinance.

The effective date of these amendments is proposed to be April 1, 2019.

The proposed amendments will affect the following general portions of the zoning ordinance (Chapter 157 of the City Code): Sections 157.203 through 157.223 (Zoning Districts, AR/Low Intensity Residential through I2/General Industrial); Section 157.503 (Administration, Procedures-Special Uses); Section 157.504 (Nonconforming Situations), and Section 157.506 (Definitions).

The proposed amendments will affect the following specific portion of the zoning ordinance:

**NONCONFORMING SITUATIONS:** Section 157.504.

The Nonconforming Situations section is being amended as follows:

### **§ 157.504(E)(6) OTHER NONCONFORMING SITUATIONS**

#### **(6) Gas Stations**

A gas station that was approved via a Special Use or Use Variance by the Board of Zoning Appeals shall not be considered a nonconforming use subject to these provisions, and shall remain subject to any previous Board of Zoning Appeals conditions of approval. Any gas station that became nonconforming as of April 3, 2014:

- (a) May be enlarged, expanded, or extended on the same parcel or lot that existed at the time the gas station became nonconforming, so long as such enlargement, expansion, or extension, meets all development standards of this ordinance and an Improvement Location Permit and/or Certificate of Use is issued before such enlargement, expansion, or extension. This provision is intended to also allow for the addition of gas pumps and the expansion or replacement of canopies;
- (b) May be expanded into any building that existed at the time the gas station became nonconforming, so long as a Certificate of Use is issued before such expansion;
- (c) Shall not be permitted to increase the size of the parcel or lot that the gas station is located on; and
- (d) Shall be subject to all other applicable Nonconforming Situations provisions in this Section, including but not limited to the Maintenance or Reconstruction provisions, and the Discontinuation and Damage provisions.

# DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE  
200 EAST BERRY  
FORT WAYNE, IN 46802

260-449-7607  
260-449-7682  
WWW.ALLENCOUNTY.US

TO: All interested persons  
FROM: Christian J. Beebe, Principal Land Use Planner  
RE: Public hearing notice  
DATE: December 19, 2018

We are posting this notice to let you know the Fort Wayne Plan Commission will hold a public hearing **Monday January 7, 2019 at 5:30 p.m.** The Plan Commission will hold the hearing in **Room 035 in Citizens Square, 200 East Berry Street.** Room 035 is on the Garden Level (basement) and can be accessed through the Berry Street side of the building. The agenda for the hearing includes the following request:

PROPOSAL: Primary Development Plan, PDP-2018-0046, Dupont Assisted Living  
APPLICANT: 10101 West Dupont Circle, LLC  
REQUEST: To approve a primary development plan for a new assisted living/memory care facility; including a waiver request for building height.  
LOCATION: The site is located at the northeast corner of Auburn Road and Dupont Circle Drive, within the Dupont Business and Medical Park (Section 8 of St. Joseph Township).  
LAND AREA: Approximately 4.5 acres  
PRESENT ZONING: C1/Professional Office and Personal Services

Further information regarding this project is available at the following website: <http://www.allencounty.us/land-use/calendar-and-agenda> (see Plan Commission Monthly Project Information Packets). We also have the project file at our office, which is located in Suite 150 of Citizens Square, 200 East Berry Street.

This public hearing is your chance to play a role in the decision making process regarding this project. **If you are unable to attend the hearing but want to be heard, please have 10 copies of your written comments to our office before 12:00 noon Monday January 7, 2019 for staff to hand deliver to the Plan Commission at the public hearing, or you may bring your comments to the hearing.** Please include your name and mailing address on all correspondence.

Thank you for your attention to this matter. Please call this office if you have any questions.

**Public Hearing Notification Enclosed**

Department of Planning Services

200 E Berry St, Suite 150

Fort Wayne Indiana 46802

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PROPOSAL: Rezoning Petition, REZ-2018-0055  
APPLICANT: Kyle, Marisa, Frank, and Leslie Garritano  
REQUEST: To rezone property from R1/Single Family Residential to R2/Two Family Residential to permit the construction of a two family residential dwelling.  
LOCATION: The real estate is located on the west side of the 4800 block of Lahmeyer Road, approximately 200 feet south of Basel Drive (Section 22 of St. Joseph Township).  
LAND AREA: Approximately 1 acre  
PRESENT ZONING: R1/Single Family Residential  
PROPOSED ZONING: R2/Two Family Residential

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