

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
SEPTEMBER 14, 2010**

CITY UTILITIES COMMITTEE

*Glynn A. Hines - Chair
Thomas F. Didier - Co-Chair
All Council Members*

ACTION

S-10-09-14

AN ORDINANCE approving General Cipp 2010 Package #1 #2338-2010, W.O. #75482 between Reynolds Inliner and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,435,769

S-10-09-13

AN ORDINANCE approving amendment A to Professional Services Agreement for Three Rivers Filtration Plant Ultraviolet Disinfection - Res. #2304 - Ultraviolet Disinfection - Res. #2304-2010, W.O. # 65942 between Black and Veatch and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$759,500

S-10-09-19

AN ORDINANCE approving Professional Services Agreement to provide construction management and resident project representatives for additional raw wastewater pumps and secondary clarifier hydraulic improvements project at the Water Pollution Control Plant/Res. #3302-2209, W.O. #75397 between GAI Consultants, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$222,300

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-10-09-20

**AN ORDINANCE approving Professional Service Agreement Amendment #1 to provide additional design services for the WPCP Digester Electrical Building and Structural Improvements - Resolution #21287-2009, W.O. #2187-2009, W.O. #75386 between Greeley and Hansen, LLC. And the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$654,000**

FINANCE COMMITTEE

*Thomas E. Smith - Chair
Tim Pape - Co-Chair
All Council Members*

S-10-09-01

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the International Association of Machinists and Aerospace Workers Local Lodge #2569

This ordinance is necessary to ratify, fix and establish such compensation for Civil City employees - Civil City for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement

FINANCE COMMITTEE

CONTINUED

ACTION

S-10-09-03

AN ORDINANCE of the Common Council ratifying a collective bargaining agreement for employees of the City of Fort Wayne represented by the International Union of Operating Engineers Local 399 Civil City – the years 2010-2012

This ordinance is necessary to ratify, fix and establish such compensation for said Civil City employees – Civil City for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement

S-10-09-10

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the American Federation of State, County and Municipal Employees, AFL-CIO, Council 62

This ordinance is necessary to ratify, fix and establish such compensation for said employees for the years 2010, 2011 and 2012 and approve the other provisions of said agreement

S-10-09-11

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the N.C.F.O. #7- Water Maintenance & Service Department

This ordinance is necessary to ratifying, fix and establish such compensation for said employees for the years 2010, 2011 and 2012
And to approve the other provisions of said Agreement

FINANCE COMMITTEE

CONTINUED

ACTION

S-10-09-12

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the Chauffeurs, Teamsters, and Helpers Local No. 414 – Water Pollution Control Maintenance

This ordinance is necessary to ratify, fix and establish such compensation for said employees for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement

R-10-09-05

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7625 Disalle Boulevard, Fort Wayne, Indiana 46825 (S&W Investments, LLC for Voss Automotive, Inc.)

Total cost of \$350,000 – Seven full-time jobs will be created and 13 full-time jobs will be retained

As a result of the project

TO BE PASSED THIS EVENING

R-10-09-06

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area under I.C. 6-1.1-12.1 for property commonly known as 7625 Disalle Boulevard, Fort Wayne, Indiana 46825 (S&W Investments, LLC for Voss Automotive, Inc.)

Total cost of \$350,000 – Seven full-time jobs will be created and 13 full-time jobs will be retained as

A result of the project

PUBLIC HEARING – 9-28-10 – 5:30 P.M.

FINANCE COMMITTEE

CONTINUED

ACTION

S-10-09-17

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City of Fort Wayne for the 2011

**CIVIL CITY AND CITY UTILITIES SALARY
ORDINANCE FOR YEAR 2011**

S-10-09-18

AN ORDINANCE fixing the salaries of all members of the Division of Public Safety of the City Fort Wayne, Indiana for the year 2011

**PUBLIC SAFETY SALARY ORDINANCE FOR
THE YEAR 2011**

S-10-09-04

**AN ORDINANCE approving the awarding of ITB #3169 by the City of Fort Wayne, Indiana, by and through its department of Purchasing and K-Tech for the Fort Wayne Street Department
Total cost of \$919,000**

S-10-09-02

AN ORDINANCE approving agreement for Fire Protection Services between the City of Fort Wayne, Indiana and Fort Wayne Community School

Total annual fee of \$4,031.75 - the fee shall increase annually during the term of the Agreement by three percent (3%) - The term will commence August 1, 2010 and continue until July 31, 2020

FINANCE COMMITTEE CONTINUED

ACTION

S-10-09-21

AN ORDINANCE approving Agreement for Fire Protection Services between the City of Fort Wayne, Indiana and Fort Wayne Community School Corporation

Total annual fee of (\$6,050) (A fee of \$3,025 PER School per year) - the fee shall increase annually during the term of the Agreement by three percent (3%) - The term of Agreement will commence August 1, 2010 and continue until July 31, 2020

REGULATIONS COMMITTEE

Mitch Harper - Chair

Karen E. Goldner - Co-Chair

All Council Members

G-10-09-07

AN ORDINANCE amending Chapter 157 and Chapter 154 of the City of Fort Wayne Municipal Code

To amend the Fort Wayne Zoning Ordinance and Sign Ordinance by revising multiple sections of both ordinances

G-10-09-09

AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement

A request to vacate a 4-foot wide utility easement - Southview Addition

PUBLIC HEARING 9-28-10 - 5:30 P.M.

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-10-09-08

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne Township) 2350 Getz Road the location of the Canopy Corners Shopping center

PUBLIC WORKS COMMITTEE

*John Shoaff - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

S-10-09-15

**AN ORDINANCE approving construction contract: 7286-10 – Reindeer Road Concrete Street Repairs / Work Order: 12204 between Garcia Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$153,517**

S-10-09-16

**AN ORDINANCE approving construction contract: 7278-10 & 7297-10: Tacoma Avenue Phases 2 and 3: Work Order: 12216 & 12218 between Garcia Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$141,624.50**

BILL NO. S-10-09-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving GENERAL CIPP 2010 PACKAGE #1 #2338-2010, W.O. #75482 between REYNOLDS INLINER and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the GENERAL CIPP 2010 PACKAGE #1 #2338-2010, W.O. #75482 by and between REYNOLDS INLINER and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for rehabilitation of approximately 42,700 LF of small diameter (8-inch to 15-inch) sanitary sewer by means of a cured-in-place pipe method. Areas being lined have been prioritized through previous cleaning and televising and show signs of potential pipe failure. General locations include East State & North Anthony along with multiple locations in the south and south eastern parts of the City:

involving a total cost of ONE MILLION, FOUR HUNDRED THIRTY-FIVE THOUSAND, SEVEN HUNDRED SIXTY-NINE AND NO/100 DOLLARS - (\$1,435,769.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-13

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AMENDMENT A TO PROFESSIONAL SERVICES AGREEMENT FOR THREE RIVERS FILTRATION PLANT ULTRAVIOLET DISINFECTION - RES. #2304-2010, W.O. #65942 between BLACK AND VEATCH and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the AMENDMENT A TO PROFESSIONAL SERVICES AGREEMENT FOR THREE RIVERS FILTRATION PLANT ULTRAVIOLET DISINFECTION - RES. #2304-2010, W.O. #65942 by and between BLACK AND VEATCH and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

for UV Equipment Procurement, engine Generator Equipment Procurement, preliminary Design, Disinfection Profiling and Benchmarking, and Scada Planning services for the project Three Rivers Filtration Plant Ultraviolet Disinfection::

involving a total cost of SEVEN HUNDRED FIFTY-NINE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS - (\$759,500.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CONSTRUCTION MANAGEMENT AND RESIDENT PROJECT REPRESENTATIVES FOR ADDITIONAL RAW WASTEWATER PUMPS AND SECONDARY CLARIFIER HYDRAULIC IMPROVEMENTS PROJECT AT THE WATER POLLUTION CONTROL PLANT / RES. #2202-2209, W.O. #75397 between GAI CONSULTANTS, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CONSTRUCTION MANAGEMENT AND RESIDENT PROJECT REPRESENTATIVES FOR ADDITIONAL RAW WASTEWATER PUMPS AND SECONDARY CLARIFIER HYDRAULIC IMPROVEMENTS PROJECT AT THE WATER POLLUTION CONTROL PLANT / RES. #2202-2209, W.O. #75397 by and between GAI CONSULTANTS, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for install 2 additional raw waste water pumps, associated piping, valves, VFD's, PLC, and electrical components in the existing plant headwork's facility. This will make way for the plant to be able to pump 85 million gallons a day. This project will also make modifications to the plant secondary system. This project will rerate the plant to be able to treat a peak flow of 700 million gallons a day:

involving a total cost of TWO HUNDRED TWENTY-TWO THOUSAND, THREE HUNDRED AND NO/100 DOLLARS - (\$222,300.00). A copy said Contract is on file with the Office of

the City Clerk and made available for public inspection, according to law.

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROFESSIONAL SERVICE AGREEMENT AMENDMENT #1 TO PROVIDE ADDITIONAL DESIGN SERVICES FOR THE WPCP DIGESTER ELECTRICAL BUILDING AND STRUCTURAL IMPROVEMENTS - RESOLUTION #2187-2009, W.O. #75386 between GREELEY AND HANSEN, LLC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PROFESSIONAL SERVICE AGREEMENT AMENDMENT #1 TO PROVIDE ADDITIONAL DESIGN SERVICES FOR THE WPCP DIGESTER ELECTRICAL BUILDING AND STRUCTURAL IMPROVEMENTS - RESOLUTION #2187-2009, W.O. #75386 by and between GREELEY AND HANSEN, LLC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for will allow the City to proceed with completing the detailed design, bidding and construction phase services for mechanical, electrical, instrumentation and controls improvements to the WPCP digester Electrical Building and Structural Improvements:

involving a total cost of SIX HUNDRED FIFTY FOUR THOUSAND AND NO/100 DOLLARS - (\$654,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-01

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS LOCAL LODGE #2569.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the International Association of Machinists and Aerospace Workers Local Lodge #2569 – Civil City – through collective bargaining as authorized and envisioned by the City’s ordinances; and

WHEREAS, said agreement is for three (3) years **(2010, 2011 and 2012)**, but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said **Civil City** employees of the City of Fort Wayne, Indiana, represented by the International Association of Machinists and Aerospace Workers Local Lodge #2569 – Civil City for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The 2010-2012 Collective Bargaining Agreement (Civil

City) by the between the City of Fort Wayne, Indiana, and the International Association of Machinists and Aerospace Workers Local Lodge #2569, a copy of which is attached hereto, marked Exhibit "A" and incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approvals by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE of the Common Council ratifying a collective bargaining agreement for employees of the City of Fort Wayne represented by the International Union of Operating Engineers Local 399 Civil City - for the years 2010-2012.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the International Union of Operating Engineers Local 399 – Civil City - through collective bargaining as authorized and envisioned by the City's ordinances; and

WHEREAS, said agreement is for three (3) years (2010, 2011 and 2012), but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said **Civil City** employees of the City of Fort Wayne, Indiana, represented by the International Union of Operating Engineers Local 399 – Civil City for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The **2010 – 2012 Collective Bargaining Agreement (Civil City)** by and between the City of Fort Wayne, Indiana, and the International Union of Operating Engineers Local 399, a copy of which is attached hereto, marked Exhibit "A"

and incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, COUNCIL 62.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the American Federation of State, County and Municipal employees, AFL-CIO, through collective bargaining as authorized and envisioned by the City's ordinances; and

WHEREAS, said agreement is for three (3) years **(2010, 2011 and 2012)**, but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said employees of the City of Fort Wayne, Indiana, represented by the American Federation of State, County and Municipal Employees, AFL-CIO, Council 62 for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The **2010-2012 Collective Bargaining Agreement** by the between the City of Fort Wayne, Indiana, and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 62, a copy of which is attached hereto,

marked Exhibit "A" and incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approvals by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the N.C.F.O. #7 – WATER MAINTENANCE & SERVICE DEPARTMENT.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the N.C.F.O. #7 – WATER MAINTENANCE & SERVICE DEPARTMENT, through collective bargaining as authorized and envisioned by the City’s ordinances; and

WHEREAS, said agreement is for three (3) years **(2010, 2011 and 2012)**, but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said employees of the City of Fort Wayne, Indiana, represented by the N.C.F.O. #7- Water Maintenance & Service Department for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The **2010-2012 Collective Bargaining Agreement** by the between the City of Fort Wayne, Indiana, and the N.C.F.O. #7- Water Maintenance & Service Department, a copy of which is attached hereto, marked Exhibit “A” and

incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approvals by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain Civil City employees of the City of Fort Wayne, Indiana, represented by the CHAUFFEURS, TEAMSTERS, AND HELPERS LOCAL NO. 414 – WATER POLLUTION CONTROL MAINTENANCE.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the **CHAUFFEURS, TEAMSTERS, AND HELPERS LOCAL NO. 414 – WATER POLLUTION CONTROL MAINTENANCE**, through collective bargaining as authorized and envisioned by the City's ordinances; and

WHEREAS, said agreement is for three (3) years (**2010, 2011 and 2012**), but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said employees of the City of Fort Wayne, Indiana, represented by the **CHAUFFEURS, TEAMSTERS, AND HELPERS LOCAL NO. 414 – WATER POLLUTION CONTROL MAINTENANCE** for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The **2010-2012 Collective Bargaining Agreement** by the

between the City of Fort Wayne, Indiana, and the **CHAUFFEURS, TEAMSTERS, AND HELPERS LOCAL NO. 414 – WATER POLLUTION CONTROL MAINTENANCE**, a copy of which is attached hereto, marked Exhibit “A” and incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approvals by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 7625 Disalle Boulevard,
Fort Wayne, Indiana 46825 (S&W Investments, LLC for
Voss Automotive, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated August 24, 2010 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create seven full-time, permanent jobs for a total new, annual payroll of \$315,000, with the average new annual job salary being \$45,000 and retain 13 full-time, permanent jobs for a total current annual payroll of \$919,000, with the average current, annual job salary being \$70,692; and

WHEREAS, the total estimated project cost is \$350,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.8601/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 8. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the

applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 7625 Disalle Boulevard,
Fort Wayne, Indiana 46825 (S&W Investments, LLC for
Voss Automotive, Inc.)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create seven full-time, permanent jobs for a total additional payroll of \$315,000, with the average new annual job salary being \$45,000 and retain 13 full-time, permanent jobs for a current annual payroll of \$919,000, with the average current annual job salary being \$70,692; and

WHEREAS, the total estimated project cost is \$350,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.8601/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 7. The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the

deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real property deductions.
- F. The tax savings resulting from the real property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

**AN ORDINANCE fixing the salaries of
each and every appointed officer,
employee, deputy assistant, departmental
and institutional head of the Civil
City and City Utilities of the City for the year 2011**

WHEREAS, the Mayor and the Common Council of the City of Fort Wayne, Indiana, have according to the powers outlined in IC 36-4-7-3 and IC 36-8-3-3(d) assigned to each employee of the Civil City of Fort Wayne and of City Utilities of Fort Wayne a Job Class under the City Classification System established by Bill No. R-96-09-04 Resolution No. R-52-96, which Job Class should accurately reflect the duties and responsibilities of said employees, and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each Job Class should accurately reflect the duties and responsibilities of said employees, and

WHEREAS, the Clerk of the City of Fort Wayne, the Park Department Board and the Metropolitan Human Relations Commission have recommended Job Class designations for positions within their respective jurisdictions, and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable and

WHEREAS, the funds of such salaries are to be provided for the 2011 City Budget and from City Utilities operating funds and other sources as may be specified by Common Council.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That all employees of the Civil City of Fort Wayne and of City Utilities shall be classified by the division/department, job classification and titles.

SECTION 2. That the following Grid is hereby fixed and authorized as a scale for approved Job Class. Consistent with our compensation philosophy, it is the City's policy that no employee shall be paid below the minimum and the maximum should not be exceeded, except for approved special occupations, shift differentials, approved longevity pay, approved overtime pay, approved technical skill pay, approved clothing allowance, approved previously accrued vacation payoff, sick time, FLSA earned compensatory time, approved car allowance or approved productivity and gain sharing bonuses.

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF IN ITS ENTIRETY**

This Grid, as reflected on Exhibit "A", is an attempt to maintain an orderly, consistent and competitive pay policy that includes a "bonus" program for superior performance and a "Grid System" that represents the actual market range for the Non-Union positions within City Government and its Utilities.

SECTION 3. The following job classifications are a true and complete listing of all Civil City and City Utilities non-bargaining unit positions by Division/Department, Job Classification and Title. It does not include those positions which are specified as part of a bargaining unit having a written economic agreement with the

City or City Utilities.

<u>DIVISION/DEPARTMENT</u>	<u>JOB</u>	<u>CLASSIFICATION</u>	<u>TITLE</u>
<u>City Clerk</u>			
	COMOT		ADMINISTRATIVE ASSISTANT
	PAT		ASSISTANT CHIEF DEPUTY
	PAT		DEPUTY CLERK
	PAT		LEGIS AFFAIRS ADMINISTRATOR
	COMOT		VIOLATIONS BUREAU SPECIALIST
	COMOT		VIOLATIONS COURT ADMINISTRATOR
	UC		COUNCIL ATTORNEY
	HEADCOUNT:		
	Property Tax Supported	18	
		Appropriated	18

Parking Administration

PAT	PARKING CONTROL ASST SUPERVISOR
PAT	PARKING CONTROL SUPERVISOR

HEADCOUNT:

Administration Fund	8	Parking
		Appropriated

8

City Utilities

PAT	ACCOUNTANT
COMOT	ACCOUNTING CLERK
COMOT	ADMINISTRATIVE ASSISTANT
EXE	ASSOCIATE CITY ATTORNEY
PAT	ASSISTANT PROGRAM MANAGER
PAT	BILLING SYSTEM MANAGER
PAT	CMMS ADMINISTRATOR
LTC	CONSTRUCTION SUPERVISOR
PAT	CUSTOMER RELATIONS MANAGER
EXE	DEPUTY DIRECTOR
EXE	DIRECTOR OF CITY UTILITIES
PAT	DIRECTOR OF FINANCE
SO	MANAGER OF ENGINEERING
PAT	MANAGER
SO	PROGRAM MANAGER
PAT	PUBLIC INFORMATION OFFICER
EXE	SUPERINTENDANT
PAT	SUPERVISOR
LTC	SUPERVISOR
PAT	UTILITY SERVICES MANAGER
	EXE DEPUTY DIRECTOR

<u>DIVISION/DEPARTMENT</u>	<u>JOB</u>	<u>CLASSIFICATION</u>	<u>TITLE</u>
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Community Development

PAT	ACCOUNTANT
COMOT	ADMINISTRATIVE ASSISTANT
PAT	CD ADMINISTRATOR
PAT	CD MANAGER
PAT	CD SPECIALIST
EXE	DEPUTY DIRECTOR
EXE	DIRECTOR OF COMMUNITY DEVELOPMENT
	POLE FIELD SUPERVISOR
PAT	OFFICE SUPERVISOR

HEADCOUNT:

Property Tax Supported

47

Appropriated

47

Grant 17

Other Funds 3

Redevelopment

COMOT	ADMINISTRATIVE ASSISTANT
PAT	CD ADMINISTRATOR
PAT	CD MANAGER
PAT	CD SPECIALIST

HEADCOUNT:

Property Tax Supported

7

Appropriated

7

Funds 3

Other

Finance and Administration

PAT	ACCOUNTANT
COMOT	ACCOUNTING CLERK
COMOT	ADMINISTRATIVE ASSISTANT
COMOT	BID SPECIALIST/BUYER
EXE	CHIEF INFORMATION OFFICER
EXE	CITY CONTROLLER
PAT	COMPLIANCE ADMINISTRATOR
PAT	COMPLIANCE OFFICER
COMOT	COMPLIANCE INVESTIGATOR
EXE	DEPUTY CONTROLLER
PAT	DEPUTY DIRECTOR
PAT	DIRECTOR OF PURCHASING SERVICES
EXE	DIRECTOR OF HUMAN RESOURCES
COMOT	INFORMATION SPECIALIST/SUPPORT
PAT	LABOR RELATIONS MANAGER
PAT	PAYROLL COORDINATOR
PAT	PAYROLL MANAGER
PAT	PDQ MANAGER
PAT	PDQ COORDINATOR
PAT	PROPERTY MANAGER
PAT	PURCHASING SUPERVISOR
PAT	SENIOR ACCOUNTANT/ANALYST
COMOT	SENIOR BUYER
PAT	STAFFING & RECRUITMENT MANAGER

COMOT STAFFING & RECRUITMENT SPECIALIST
 PAT STAFFING & RECRUITMENT COORDINATOR

HEADCOUNT:

Property Tax Supported

36

Appropriated

36

JOB

DIVISION/DEPARTMENT

CLASSIFICATION

TITLE

Benefits

PAT BENEFITS & COMMUNICATIONS MANAGER
 PAT BENEFITS & WELLNESS COORDINATOR

HEADCOUNT:

Self Insurance Fund 2

Appropriated

2

Risk Management

COMOT ADMINISTRATIVE ASSISTANT
 PAT RISK MANAGER
 PAT RISK MANAGEMENT SPECIALIST
 PAT SAFETY CLAIMS/INVESTIGATOR

HEADCOUNT:

Self Insurance Fund

5

Appropriated

5

Mayor's Office

COMOT ADMINISTRATIVE ASSISTANT
 PAT CITY SERVICES SPECIALIST
 PAT CITY SERVICES MANAGER
 EXE DEPUTY MAYOR
 PAT DIRECTOR OF PUBLIC INFORMATION
 COMOT EXECUTIVE ASSISTANT
 PAT LEGISLATIVE & BUSINESS LIASION
 PAT COMMUNITY LIASION
 PAT PUBLIC INFORMATION OFFICER

HEADCOUNT:

Property Tax Supported

18

Appropriated

18

Internal Audit

PAT DIRECTOR OF INTERNAL AUDIT
 PAT STAFF AUDITOR

HEADCOUNT:
 Supported 3
 3
 Property Tax
 Appropriated

Law Department

COMOT	ADMINISTRATIVE ASSISTANT
EXE	ASSOCIATE CITY ATTORNEY
EXE	CITY ATTORNEY

HEADCOUNT:
 Supported 4
 4
 Property Tax
 Appropriated

Metro Human Relation Commission

COMOT	ADMINISTRATIVE ASSISTANT
EXE	EXECUTIVE DIRECTOR
COMOT	INVESTIGATOR
PAT	LEAD INVESTIGATOR
PAT	LEGAL COUNCIL

HEADCOUNT:
 Supported 9.05
 9.05
 2.95
 Property Tax
 Appropriated
 Grant

JOB

DIVISION/DEPARTMENT

CLASSIFICATION

TITLE

Parks and Recreation

COMOT	ADMINISTRATIVE ASSISTANT
LTC	ASSISTANT GOLF SUPERINTENDENT
PAT	ASSISTANT SUPERVISOR
EXE	DEPUTY DIRECTOR
EXE	DIRECTOR OF PARKS
UC	GOLF COURSE PRO/MANAGER
LTC	GOLF GREENS SUPERINTENDENT
PAT	LANDSCAPE ARCHITECT
PAT	MANAGER
PAT	OUTDOOR RECREATION COORDINATOR
PAT	PROGRAM FACILITY COORDINATOR
PAT	PROJECT MANAGEMENT TECHNCIAN
PAT	PUBLIC INFORMATION OFFICER
EXE	SUPERINTENDENT
PAT	SUPERVISOR
LTC	SUPERVISOR

HEADCOUNT:
 Property Tax Supported 117
 117
 Appropriated

Funds 6

Other

Public Works

PAT	ACCOUNTANT
COMOT	ADMINISTRATIVE ASSISTANT
COMOT	CLERK TO BOARD
EXE	DIRECTOR OF PUBLIC WORKS
PAT	DIRECTOR OF TRANS ADMIN SUPPORT
PAT	FLOOD CONTROL MANAGER
PAT	FLOOD MAINTENANCE MANAGER
PAT	GREENWAY MANAGER
LTC	LIGHTING FOREMAN
LTC	SUPERVISOR STREET LIGHT WAREHOUSE

HEADCOUNT:
Property Tax Supported 41
Appropriated

41 Fleet Management

COMOT	ADMINISTRATIVE ASSISTANT
PAT	DIRECTOR OF FLEET MANAGEMENT
PAT	FLEET SYSTEM ANALYST

HEADCOUNT:
Central Garage Fund 3
Appropriated

3 Solid Waste Management

PAT	MANAGER
PAT	PROGRAM MANAGER

HEADCOUNT:
Solid Waste Fund 3
Appropriated

3 Street Department

COMOT	ADMINISTRATIVE ASSISTANT
LTC	ASSISTANT STREET COMMISSIONER
EXE	DIRECTOR OF TRANSPORTATION OPS
LTC	GENERAL FOREMAN

HEADCOUNT:
Motor Vehicle 106
Appropriated

Highway Fund (MVH)

96

<u>DIVISION/DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>TITLE</u>	JOB
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Street Project Management/
Transportation Engineering

PAT	ASSISTANT CITY ENGINEER
EXE	CITY ENGINEER
PAT	MANAGER

HEADCOUNT:
 23

Highway Fund (MVH)

12

Motor Vehicle

Appropriated

11

Traffic Engineering

COMOT	ADMINISTRATIVE ASSISTANT
PAT	ASSISTANT TRAFFIC ENGINEER
PAT	DIRECTOR OF TRAFFIC OPERATIONS
LTC	SIGN & MARKING FOREMAN
LTC	SIGN & MARKING SUPERVISOR
LTC	SIGNAL FOREMAN
SO	TRAFFIC ENGINEER
LTC	TRAFFIC OPERATIONS SUPERVISOR

HEADCOUNT:

Street Fund (LR&S)

31

Local Road &

Appropriated

31

PART-TIME/SEASONAL/TEMPORARY POSITIONS

City Clerk

COMOT	ADMINISTRATIVE ASSISTANT
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City Utilities

COMOT	CUSTOMER RELATIONS REPRESENTATIVE
COMOT	INTERN/SEASONAL

Community Development

COMOT	INTERN/SEASONAL
COMOT	WEED PROGRAM INSPECTOR

Metro Human Relation Commission

COMOT	INTERN/SEASONAL
COMOT	INVESTIGATOR

Parks and Recreation

COMOT	AQUATIC CENTER MGR
COMOT	AQUATIC SUPERVISOR
COMOT	ASSIST GOLF PRO MGR
COMOT	BASKETBALL PRG COORD
COMOT	BASKETBALL SITE SUPV
COMOT	BASKETBALL STAFF
COMOT	CAMP AIDE
PAT	CAMP ASST SUPERVISOR
LTC	CAMP BEFORE/AFTER CARE
LTC	CAMP COUNSELOR
PAT	CAMP SUPERVISOR
COMOT	CLERICAL
LTC	GOLF ASST GREEN SUPT
COMOT	GOLF CASHIER/STARTER
LTC	GOLF COURSE MAINT
COMOT	HURSHTOWN ATTENDANT
COMOT	HURSHTOWN SUPERVISOR
COMOT	INTERN - PARKS
LTC	LIFEGUARD

DIVISION/DEPARTMENTCLASSIFICATIONTITLEPART-TIME/SEASONAL/TEMPORARY POSITIONS - continuedParks and Recreation

continued

COMOT	LIFETIME SPTS ACDY C
LTC	LINDENWOOD STAFF
LTC	MAINTENANCE-SEASONAL
PAT	MANAGER
LTC	NATURALIST
PAT	OUTDOOR EDUCATION COORDINATOR
COMOT	PLAYGROUND LEADER
COMOT	PLAYGROUND STAFF
PAT	PLAYGROUND SUPV
COMOT	POOL STAFF (NON-CERT)
COMOT	POOL-HEAD LIFEGUARD
COMOT	PRESCHOOL/YOUTH SPRT COOR
COMOT	PRESCHOOL/YOUTH STAFF
COMOT	RECREATION CTR LDR
COMOT	RECREATION LEADER
COMOT	RECREATION SITE SUPERVISOR
COMOT	RECREATION SPECIALIST
COMOT	SPECIAL EVENTS COORDINATOR
PAT	SUPERVISOR/NATURALIST
LTC	TENNIS INSTRUCTOR
COMOT	TENNIS PROGRAM COORDINATOR
PAT	THEATRE MANAGER
LTC	THEATRE ASST SUPV
LTC	THEATRE ATTENDANT
LTC	THEATRE TECHNICIAN
COMOT	WEEKEND/EVE RECP

Public Works

COMOT	ADMINISTRATIVE ASSISTANT
COMOT	INTERN/SEASONAL

HEADCOUNT:**Property Tax Supported****.5****Appropriated****.5**Street Department

LTC	LEAF PICK-UP LABORER
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Traffic Engineering

COMOT	CLERICAL
LTC	SIGN DIVISION HELPER
LTC	SIGNAL DIVISON HELPER

SECTION. 4. Pursuant to State Statute economic conditions must be approved by the Common Council. Such economic conditions include, but are not limited to, base pay and monetary fringe benefits. These matters will be negotiated by and between the City and the appropriate bargaining unit

for the year 2011. Upon conclusion of such negotiations the appropriate Ordinances shall be submitted to the Common Council for approval.

SECTION. 5. Moving Expenses for new employees moving into Allen County may be reimbursed up to a maximum of \$5,000 with the approval of the City Controller. The new employee shall pay for all expenses up front and will present receipts for reimbursement.

SECTION 6. In addition to the compensation for positions listed herein the City shall contribute 3% of employees' salary to the Public Employees Retirement Fund (PERF).

SECTION 7. That, in addition to the compensation provided for herein: The City of Fort Wayne Law Department shall receive not more than \$6,500 for services performed in connection with the operations of the municipally owned utilities pursuant to I.C. 36-4-74 which additional compensation shall be paid from the revenues of the appropriate utility or function. The City of Fort Wayne Law Department shall also receive an additional sum not to exceed \$13,000 for services provided in connection with the City Self-Insurance Program involving matters not in litigation.

That, in addition, the following legal services are recognized as extraordinary services and shall entitle the City of Fort Wayne Law Department performing such services to charge respective departments additional compensation at the rate of 120% of the hourly compensation of the classified City Attorney or Associate City Attorney performing such services, or such other appropriate compensation as determined by the Board of Public Works:

A.) Bond issues and related financial matters, including Bond issues related to the Economic

Development Commission where the fees for said issues are paid by the Bond applicant.

B.) Annexation litigation following the filing of a remonstrance.

C.) Condemnation litigation following the filing of exceptions to the appraisers' report.

D.) All matters relating to defense of claims against the Fort Wayne Police Department following the filing of a complaint.

E.) All matters involving a challenge to the constitutionality of any act or omission by the City or one of its employees following the filing of a complaint in court.

F.) All matters relating to intervention in utility rate cases following the filing of a petition to intervene, or other appearances before the Indiana Utility Regulatory Commission (I.U.R.C).

G.) All matters relating to litigation where the amount in controversy exceeds \$50,000, following the filing of a complaint in court.

H.) All matters relating to litigation where any recovery against the City or its employees would be paid from the City's Self-Insurance Fund.

I.) All matters involving collective bargaining arbitration.

J.) Matters relating to the Fort Wayne Redevelopment Commission covered by a separate contract.

Any and all payments to be made hereunder for extraordinary services shall be subject to the final approval by the City Controller. Nothing in this agreement shall prevent the use of other attorneys or firms to perform extraordinary services, subject, however, to the provisions of I.C. 36-4-9-12.

SECTION 8. From and after the first day of January, 2011 all appointed officers, employees, deputies, assistants, departmental and institutional heads of the Civil City and City Utilities will be paid according to this, the

above and following provisions of this ordinance, subject to budgetary limitations, collective bargaining agreements, future changes or amendments enacted by Common Council.

SECTION 9. Nothing in this Salary Ordinance shall limit the capacity of Utility Management at the Filtration Plant to participate in the Gain Sharing Plan under the Memorandum of Understanding approved by Common Council under Ordinance No. R-26-99.

SECTION 10. That all Departments subject to this Ordinance will conform to the Official City's Personnel Policies and Procedures relating to hiring, pay, and other related practices, approved by the Mayor and administered by the City's Human Resources Department.

SECTION 11. If any section, clause, sentence, paragraph or part or provisions of this Ordinance be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without such invalid section, clauses, paragraph, part or provisions, and the remaining parts of the Ordinance will remain in effect.

SECTION 12. The Municipal Code of the City of Fort Wayne references, in codification form, salary ordinances previously adopted by the City Council for past years. Such salary ordinances have duration of one year and thus, with the exception of the 2010 salary ordinances, have expired. Commencing January 1, 2011, any conflict between the terms and conditions hereof and any previous ordinance shall be resolved in favor of the most recently enacted ordinance.

SECTION 13. Two copies of all attachments and Exhibits referred to in this Ordinance shall be kept on file with the City Clerk of Fort Wayne for the purpose of public inspection.

SECTION 14. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Member

Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**AN ORDINANCE fixing the salaries of
all members of the Division of Public Safety
of the City of Fort Wayne, Indiana
for the year 2011**

WHEREAS, the Mayor and Common Council of the City of Fort Wayne, Indiana have, according to the powers outlined in IC 36-8-3-3 (d), assigned to all members of the Police and Fire Departments of the City of Fort Wayne a Job Category under the City Classification System established by Bill No, R-96-09-04 Resolution No. R-52-96 as subsequently modified and improved, which categories should accurately reflect the duties and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each job category in a systematic way, and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable, and

WHEREAS, the funds of such salaries are to be provided by the 2011 City Budget operating funds and other sources as may be specified by the Common Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That all members of the Police and Fire Departments of the City of Fort Wayne, shall be classified by the division/department, job classifications and titles herein designated, and that no changes be made in any job category without the specific approval of the Common Council except for those brought about by collective

bargaining with authorized representatives of City employees in accordance with the existing collective bargaining agreements.

SECTION 2. That the following grid of salaries is fixed and authorized as the grid for approved job categories. Consistent with our compensation philosophy, it is the City's objective that no employee shall be paid below their job category and the maximum should not be exceeded, except for approved shift differentials, approved longevity pay, approved overtime pay, approved technical skill pay, approved educational bonus, approved clothing allowance.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF IN ITS ENTIRETY

The grid, as reflected on Exhibit "A" is an attempt to maintain an orderly, consistent and competitive pay policy that includes a "bonus" program for superior performance and a "Grid System" that represents the actual market range for the Non-Union positions within City Government and it's Utilities. Any general increase to the Grid shall only occur should the actual market range for a Job Class increase considerably.

A. That the following fringe benefits are hereby approved for the year 2011 for the employees in the Fire Command:

FIRE COMMAND APPROVED SUPPLEMENTAL FRINGE BENEFITS

Hazardous Duty/Technical Pay/Specialty Pay	
\$1,397.35	
Educational Bonus	\$ 450/yr
(Associate Degree or higher - Fire Science Technology)	
Clothing Allowance	\$1,350/yr

That all Fire Command shall have the same longevity, disability, survivors' benefits, retirement health insurance benefits, sick leave, personal leave, holiday leave,

bereavement pay and vacation leave rights and receive the same percentage pay increases as provided to members of the Fire Department covered by a collective bargaining agreement.

B. That the following fringe benefits are hereby approved for the year 2011 for the employees in the Police Command:

POLICE COMMAND APPROVED SUPPLEMENTAL FRINGE BENEFITS

Educational Bonus	FOP
- Associate Degree	\$ 450/yr
- Bachelor's Degree	\$ 900/yr
- Master's Degree	\$1,300/yr
- Doctorate Degree	N/A
Clothing Allowance	\$1,700/yr

That all Police Command shall be eligible for any additional benefits afforded the Fraternal Order of Police. That all Police Command, Captains and above, shall receive the same percentage pay increases as afforded the Fraternal Order of Police.

SECTION 3. The following is a true and complete listing of all members of the Police and Fire Departments of the City of Fort Wayne non-bargaining unit positions by Division/Department, Job Classification and Title. It does not include those positions which are specified as part of a bargaining unit having a written economic agreement with the City negotiated by the City Attorney and approved by Common Council.

<u>DIVISION/DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>JOB TITLE</u>
<u>Fire Department</u>		
<u>Fire Command</u>		
PAT	ASSISTANT CHIEF	
EXE	DEPUTY CHIEF	
EXE	FIRE CHIEF	

<u>DIVISION/DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>JOB TITLE</u>
<u>Fire Civilians</u>	COMOT	ADMINISTRATIVE ASSISTANT
	PAT	BUILDING MAINT MANAGER
	PAT	DIRECTOR OF FINANCE & FACILITIES
	PAT	DIRECTOR OF PUBLIC INFORMATION
	PAT	EMS DIRECTOR
	POLE	RECRUIT FIREFIGHTER
	POLE	INTERNAL AFFAIRS OFFICER

HEADCOUNT:
Property Tax Supported **385**
Appropriated

381

Weights and Measures

POLE	WEIGHTS & MEASURES INSPECTOR
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HEADCOUNT:
Property Tax Supported **3**
Appropriated

3

Police Department

Animal Care and Control

POLE	ANIMAL CARE SUPERVISOR
PAT	COMMUNITY RELATIONS & EDUC SPEC
PAT	DIRECTOR OF ANIMAL CARE & CONTROL
POLE	ENFORCEMENT SUPERVISOR
POLE	LEAD OFFICER
PAT	OFFICE SUPERVISOR
COMOT	VOLUNTEER COORDINATOR

HEADCOUNT:
Property Tax
Supported **33**
Appropriated
Grant

33

1

Communications and Information Services

COMOT	ADMINISTRATIVE ASSISTANT
PAT	DIRECTOR OF COMM & INFO SVCS
POLE	DISPATCHER
POLE	DISPATCHER SUPERVISOR
POLE	OPERATIONS SUPERVISOR
POLE	TRAINING SUPERVISOR

HEADCOUNT:
33

Supported

79

Property Tax

Appropriated

79

Police Command

EXE	ASSISTANT CHIEF OF POLICE
POLE	CAPTAIN
EXE	CHIEF OF POLICE
POLE	DEPUTY CHIEF

DIVISION/DEPARTMENT

CLASSIFICATION

JOB TITLE

Police Civilians

COMOT	ADMINISTRATIVE ASSISTANT
POLE	ADMINISTRATIVE VICTIM ADVOCATE
PAT	ASSOCIATE DIRECTOR OF OPERATIONS
PAT	COORDINATOR
POLE	COORDINATOR CRIME STOPPERS
POLE	CRIME ANALYST
PAT	CRIME LAB MANAGER
PAT	DEPUTY DIRECTOR
COMOT	DETECTIVE BUREAU DESK PERSON
PAT	DIRECTOR FINANCE & FACILITIES
EXE	DIRECTOR HOMELAND SECURITY
POLE	DIRECTOR VICTIM ASSISTANCE
PAT	FORENSIC SCIENTIST
POLE	PAL COORDINATOR
POLE	PROPERTY/EVIDENCE SPECIALIST
PAT	RESEARCH & GRANTS MANAGER
POLE	RECRUIT PATROL OFFICER
POLE	SENIOR CRIME ANALYST
POLE	SR VICTIM ADVOCATE
POLE	SUPERVISOR PROPERTY ROOM
POLE	VICTIM ADVOCATE

HEADCOUNT:

Property Tax Supported

495

Appropriated

475

Grant 2

Other Funds 3

Police-Radio Shop

POLE	RADIO SHOP SUPERVISOR
COMOT	ELEC/RADIO INSTALLER
PAT	DIRECTOR-TECHNICAL
SO	TWO WAY RADIO/ELEC

HEADCOUNT:

Property Tax Supported

8

Appropriated

8

Police-Records

COMOT
POLE
COMOT

QUALITY ASSURANCE TECHNICIAN
RECORDS SUPERVISOR
RECORDS TECHNICIAN

HEADCOUNT:

Property Tax Supported

27

Appropriated

27

PART-TIME/SEASONAL/TEMPORARY POSITIONS

Fire Department

Fire Civilians

COMOT
COMOT

INTERN/SEASONAL
SURVIVE ALIVE TEACH ASSISTANT

DIVISION/DEPARTMENT

CLASSIFICATION

JOB
TITLE

Police Department

Animal Care and Control

COMOT
COMOT
COMOT
LTC

ADOPTION ASSISTANT
ENFORCEMENT ASSISTANT
HUMAN EDUCATION ASSISTANT
KENNEL ATTENDANT

HEADCOUNT:

Property Tax Supported

3

Appropriated

3

Grant .5

Other Funds .5

Communications and Information Services

POLE

DISPATCHER

Police Civilians

COMOT
POLE

ADMINISTRATIVE ASSISTANT
ADULT GUARD

35

COMOT	CIVILIAN PROPERTY MANAGER
COMOT	CSO-RETIRED OFFICER PROGRAM
COMOT	INTERN/SEASONAL
COMOT	INVESTIGATIVE DIVISION GEN ASST
COMOT	VOLUNTEER COORDINATOR

HEADCOUNT:

Property Tax Supported	1.5	Appropriated
1.5		
	Grant	.5

SECTION 4. Police and Fire employees, as indicated herein, may participate in Collective Bargaining with the City for economic conditions. Pursuant to State Statute such economic conditions must be approved by Common Council. Such economic conditions include, but are not limited to, base pay and monetary fringe benefits. These matters will be negotiated by and between the City and the appropriate bargaining unit for the year 2011. Upon conclusion of such negotiations, the appropriate Ordinances shall be submitted to the Common Council for approval.

Employees covered by recognized bargaining unit representatives (Unions) will receive a salary established by the Collective Bargaining process as long as this pay does not exceed the table of maximum salaries authorized in Section 2, above.

SECTION 5. In addition to the compensation for positions listed herein, the City shall contribute 3% of employees' salary to the Public Employees Retirement Fund (PERF) except for those positions which are commonly referred to as Police and Fire Command.

SECTION 6. From and after the first day of January, 2011, all members of the Police and Fire Departments of the City of Fort Wayne will be paid according to this, the above and following provisions of this ordinance, subject to budgetary limitations, collective bargaining agreements, future changes or amendments enacted by Common Council.

SECTION 7. That civilian employees in the Police and Fire Departments subject to this Ordinance will conform to the Official City Human Resources Policies and Procedures relating to hiring, pay, and other related practices, approved by the Mayor and administered by the City's Human Resources Department.

SECTION 8. If any section, clause, sentence, paragraph or part or provisions of this Ordinance be found invalid or void by a court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have passed by the Common Council without such invalid section, clauses, paragraph, part or provisions, and the remaining parts of the Ordinance will remain in effect.

SECTION 9. The Municipal Code of the City of Fort Wayne references, in codification form, salary ordinances previously adopted by the City Council for past years. Such salary ordinances have duration of one year and thus, with the exception of the 2010 salary ordinance, have expired. However, to avoid confusion, it is hereby stated that commencing January 1, 2011, any conflict between the terms and conditions hereof and any previous ordinance shall be resolved in favor of this ordinance.

SECTION 10. Two copies of all attachments and Exhibits referred to in this Ordinance shall be kept on file with the City Clerk of Fort Wayne for the purpose of public inspection.

SECTION 11. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-10-09-04

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3169 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and K-TECH for the FORT WAYNE STREET DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #3169 between the City of Fort Wayne, by and through its Department of Purchasing and K-TECH for the FORT WAYNE STREET DEPARTMENT, respectfully for:

increase of ITB #3169 - ANNUAL CONTRACT FOR THE PURCHASE OF BITUMINOUS MATERIAL:

involving a total cost of TWO HUNDRED FIFTY THOUSAND, AND NO/100 DOLLARS - (\$250,000.00) - (YEAR TO DATE TOTAL - \$919,000.00) all as more particularly set forth in said ITB #3169 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-10-09-02

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AGREEMENT for Fire Protection Services between the City of Fort Wayne, Indiana and FORT WAYNE COMMUNITY SCHOOL CORPORATION.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the AGREEMENT for Fire Protection Services by and between the City of Fort Wayne, Indiana and FORT WAYNE COMMUNITY SCHOOL CORPORATION, is hereby ratified, affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Fire Protection Services for Wayne High School and will make the City's School Fire Safety Program available to the School:

involving an annual fee of FOUR THOUSAND, THIRTY-ONE AND 75/100 DOLLARS – (\$4,031.75). The fee shall increase annually during the term of the Agreement by three percent (3%). The term of Agreement will commence August 1, 2010 and continue until July 31, 2020. A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AGREEMENT for Fire Protection between the City of Fort Wayne, Indiana and FORT WAYNE COMMUNITY SCHOOL CORPORATION.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the AGREEMENT for Fire Protection Service by and between the City of Fort Wayne, Indiana and FORT WAYNE COMMUNITY SCHOOL CORPORATION, is hereby ratified, affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Fire Protection Service for Pleasant Center Elementary School and Elmhurst High School:

involving an annual fee of SIX THOUSAND FIFTY AND NO/100 DOLLARS – (\$6,050.00) – (A FEE OF \$3,025.00 PER School per year). The fee shall increase annually during the term of the Agreement by three percent (3%). The term of Agreement will commence August 1, 2010 and continue until July 31, 2020. A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

#1218

BILL NO. G-10-09-07

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 157 and Chapter 154
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 Zoning Ordinance Chapter 157, Sections 157.063 Adoption of Design Guidelines, 157.101 Definitions, 157.103 Special Uses, 157.104 Permitted Uses, 157.109 Yard Requirements, 157.113 Fences and Walls, 157.120 Development Plans, 157.121 Site Plan Routing Review, 157.140 -157.143 Off-Street Parking, and 157.223 Improvement Location Permit be amended and changed as follows.

SECTION 2. That the current Zoning Ordinance Chapter 157 be amended by adding a new Section 157.123 Design Standards, as shown herein.

SECTION 3. That the current Sign Ordinance Chapter 154, Sections 154.02 Definitions, 154.16 Office District, 154.17 Business Districts, 154.19 Planned Districts, 154.30 Other Permitted Signs, be amended and changed as follows.

SECTION 4. That the current Sign Ordinance Chapter 154, Sections 154.75-154.83 [Calhoun Street Mall provisions] be repealed by removing those sections.

Amend section §157.063 (Adoption of Design Guidelines) of the General Zoning Provisions:

§157.063 Adoption of Design Guidelines Standards

The Plan Commission may adopt design ~~guidelines~~ **standards** as ~~recommendations but not requirements~~ for **use in the review and** approval of development plans and/or development proposals for different areas within the City's planning jurisdiction, consistent with a development strategy or plan(**s**) adopted by Common Council. Prior to the adoption of any such ~~guidelines~~ **standards**, the Plan Commission shall give notice and hold a public hearing in accordance with the Commission's rules. Copies of adopted ~~Design Guidelines~~ **standards** shall be available in the office of the Planning staff.

Amend section §157.101 (Definitions) of the District Regulations provisions by replacing the following existing definitions (all other existing definitions remain unchanged):

~~**DESIGN GUIDELINES.** A set of guidelines which are recommendations for parameters for site and/or building design and development.~~

DESIGN STANDARDS. A set of standards which are parameters for site and/or building design and development, adopted by the Plan Commission in accordance with a development strategy or plan adopted by Common Council. Design standards may include requirements and recommendations; required design standards shall also be adopted by Common Council as an amendment to the Zoning Ordinance.

~~**TOWNHOUSE COMPLEX.** A grouping of at least five (5) freestanding townhouse dwelling structures consisting of a minimum of ten (10) townhouse units.~~

TOWNHOUSE COMPLEX. A grouping of at least two (2) freestanding townhouse structures.

~~**TOWNHOUSE DWELLING.** A single family dwelling unit having 2 or more floors and attached to one or more similar units via party walls or a common lot line.~~

TOWNHOUSE DWELLING. A single family dwelling unit with 2 or more floors located on a separate lot or development parcel, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear wall to be used for access, light, and ventilation, and attached to one or more similar units. Townhouse dwellings are typically part of a structure whose dwelling units are attached in a linear arrangement with no other dwelling or use, or portion of another dwelling or use directly above or below the unit, and separated from adjoining unit(s) by a continuous wall.

Amend section §157.101 (Definitions) of the District Regulations provisions by adding the following definitions:

AWNING. A cover that projects from a wall of a building over a

window or entrance to provide weather protection and architectural spatial definition. The top surface of an awning is typically sloped. An awning may be fixed in place or retractable. An awning is completely supported by the building.

BUILDING BAY. A division within a building façade, created by vertical elements such as columns, pilasters, or other architectural elements/changes in planes.

CANOPY. A fixed cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. A canopy typically projects at a 90-degree (perpendicular) or similar angle. Freestanding canopies may also be permitted. A canopy may be completely supported by the building, or completely or partially supported by columns, poles, posts, or similar supports.

CHARACTER. A combination of both the visual (physical design/materials/location) and functional (accessibility/level of activity) qualities of a structure or an area that set it apart from its surroundings and contribute to its individuality.

COMPATIBILITY. The characteristics or features of different buildings or site development which allow them to be located adjacent to or near each other in harmonious and congruent relationships. Compatible does not mean "the same as." For the purposes of these regulations, compatibility refers to the ability of development proposals to recognize and adapt to the character or context of existing development by successfully coordinating with the characteristics of adjacent buildings or nearby development. Elements that may affect a determination of compatibility include: building height, scale, and mass; building materials; façade design, including building divisions, façade rhythms, and window size and arrangement; access and parking locations; landscaping; and building/site lighting. The size, scale, location, and/or use of a proposed development may also affect determinations of compatibility. It may be appropriate for larger buildings or development proposals, or for certain uses, to establish a unique character for a given area.

DESIGN REVIEW COMMITTEE. A committee of the Plan Commission, established to review and make recommendations on development plans, or take action on certain other development proposals, in the CM5A and CM5B zoning districts, as further set forth in the Commission's rules.

DEVELOPMENT PARCEL. A parcel, tract or area of land. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of this chapter; or it may include parts of a combination of such parcels when adjacent to one another and used as one. Other arrangements of property may also be determined by the Plan Commission or Zoning Administrator to be

development parcels/lots for the purposes of these regulations.

DOWNTOWN DESIGN MANUAL. A document (the Fort Wayne Downtown Design Manual), adopted by the Plan Commission, to be used in the review of development plans and other development proposals in the CM5A and CM5B zoning districts. If there is a conflict between the language in the Design Manual and the language in the Zoning ordinance, the ordinance language shall prevail.

FACADE. A particular face of a building. Building facades are generally oriented to face public streets or public areas. A rectangular building will have four facades.

FACADE, PRIMARY. Any face of a building that has frontage on a public street. Buildings on corner lots will have two or more primary facades according to the number of public streets fronted.

FAÇADE, SECONDARY. The side and rear facades of a structure. Secondary facades will have no frontage on public streets, but may have frontage on public alleys.

FULL-CUTOFF. A light fixture which prevents distribution of light above a horizontal plane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

GATEWAY. A point along a roadway at which a motorist or pedestrian gains a sense of having entered the city or a particular part of the city. This impression can be imparted through such things as signs, monuments, landscaping, a change in development character, or a natural feature.

MAJOR FAÇADE RENOVATION. Replacement of existing features with new features that are different in terms of material, type, size, or color, excluding painting of typically painted or previously painted materials or surfaces, including substantive exterior alterations which result in a change in design, materials, or general appearance. This definition shall not include interior alterations or routine maintenance that does not affect exterior appearance.

MARQUEE. A fixed cover that projects from a wall of a building over an entrance to provide weather protection, architectural spatial definition, and lighting. A marquee typically projects at a 90-degree (perpendicular) or similar angle, and is typically deeper than a canopy. A marquee is completely supported by the building and is typically used in association with a theater or similar use.

MIRRORED GLASS. Glass with a high exterior light reflectance level (typically over 50%).

MINOR FAÇADE RENOVATION. Replacement of existing features in kind or routine maintenance of features including painting of typically painted or previously painted materials or surfaces.

MIXED-USE BUILDING. A building containing more than one type of use,

such as governmental, institutional, office, personal service, retail, and residential; including a mix of residential and non-residential uses.

MIXED-USE DEVELOPMENT. The practice of allowing more than one type of use in a building or set of buildings.

MOUNTING HEIGHT. The mounting height of a light fixture shall be defined as the vertical distance between the adjacent grade and the top of the lighting fixture (luminaire).

PEDESTRIAN FRIENDLY. Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing. Pedestrian friendly areas generally separate pedestrian and auto traffic, as well as offer designs that are human scaled.

PEDESTRIAN ORIENTED. Areas that cater specifically to pedestrians, as opposed to motorized modes of traffic. The terms "Pedestrian Oriented" and "Pedestrian Friendly" are often used interchangeably.

REFLECTANCE. The ratio of the total amount of radiation, as of light, reflected by a surface to the total amount of radiation incident on the surface.

REHABILITATION/RENOVATION. The act or process of improving a structure's condition through repair and alterations while respecting those features significant to its architectural, historic or cultural value.

RESTORATION. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RHYTHM. The repeated use of a design element, shapes, or forms, such that the repeating item can be visually recognized.

SCALE. The relationship between two objects or conditions, in terms of physical size.

SETBACK. The distance on a lot measured from the edge of a right-of-way that must remain open, unoccupied and unobstructed by structures, except as otherwise provided or permitted in the Zoning Ordinance.

TOWNHOUSE STRUCTURE. A structure containing three (3) or more townhouse dwelling units.

WINDOW. An opening constructed in a building wall that functions to admit light or air, typically framed and spanned in glass.

YARD, INTERNAL SIDE. On a corner lot, the side yard which does not abut a street right-of-way.

Remove the existing text and graphics of §157.103(M) (Drive-Through Facilities) of the Special Use provisions (except for (M) and (N), all other subsections of §157.103 remain the same):

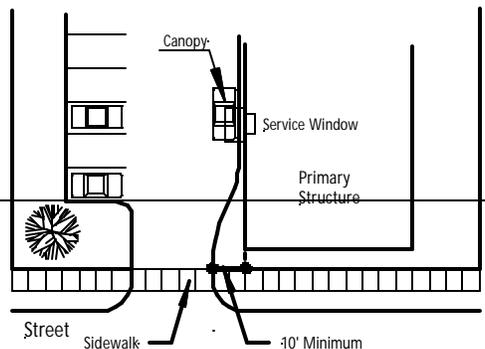
Remove subsection (M), which currently allows drive-through facilities as an accessory use for bank, credit unions, or loan associations, since these facilities will now be permitted, and show section as Reserved

~~(M) Drive-through facilities as an accessory use for banks, credit unions, or loan associations including automatic teller machines (ATM's) may be permitted by the Board in CM5A and CM5B Districts. In addition to meeting the requirements set forth in 157.040(C)(2), the Board shall evaluate the request based on the following standards and guidelines:~~

~~(1) The drive-through facility shall not have more than two (2) service lanes.~~

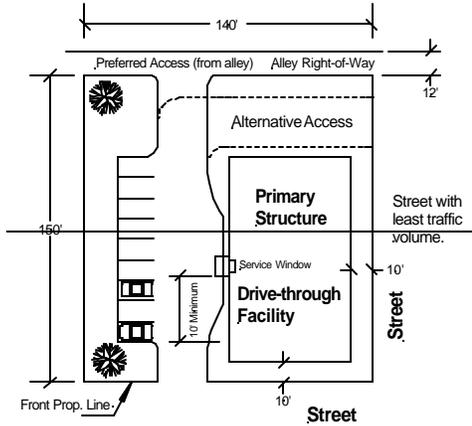
~~(2) If the building containing a drive-through facility is located less than ten (10) feet from the property line at the point where a drive-through exit lane connects to a public street, then the drive-through exit lane shall be located a minimum of ten (10) feet from the building at the location where the exit lane meets the public sidewalk.~~

~~(3) Canopies and service windows for drive-through lanes shall be attached to the primary structure, located along an interior side or rear of the primary structure and recessed from the front building line by a minimum of ten (10) feet.~~

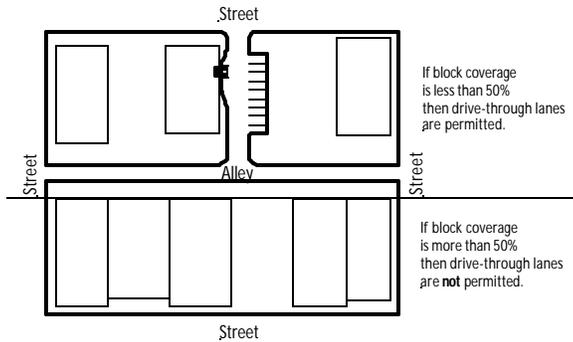


Drive-through Exit Lane Separation From Building

~~(4) At least one access drive for the drive-through facility should be provided from an alley if feasible and alternatively, from streets with preference given to the street with the least traffic volume. In CM5A Districts if at least 50% of the linear frontage of the block has existing front building facades, new access locations for vehicular ingress and egress on public streets shall not be permitted.~~



Preferred Vehicular Access Locations



Drive-throughs and Linear Frontage Block Coverage
(Applicable in the CM5A Zoning District)

~~(5) The drive through facility, including any canopy, shall be compatible in both material and architecture with the primary structure.~~

§157.103(M) [Reserved]

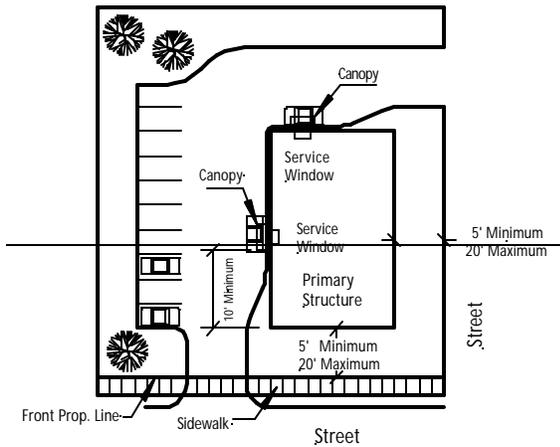
Remove the existing text and graphics of §157.103(N) (Drive-Through Facilities) of the Special Use provisions (except for (M) and (N), all other subsections of §157.103 remain the same):

Remove subsection (N) which currently allows drive-through facilities for any use other than a bank, credit unions, or loan associations, since these facilities will now be permitted, and show section as Reserved

~~(N) **Drive-through facilities** as an accessory use for any use other than a bank, credit union or loan association may be permitted by the Board in CM5B Districts. In addition to meeting the requirements set forth in 157.040(C)(2), the Board shall evaluate the request based on the following standards and guidelines:~~

~~(1) The drive through facility shall not have more than two (2) service lanes.~~

- ~~(2) If the building containing a drive-through facility is located less than ten (10) feet from the property line at the point where a drive through exit lane connects to a public street, then the drive through exit lane shall be located a minimum of ten (10) feet from the building at the location where the exit lane meets the public sidewalk.~~
- ~~(3) Canopies for drive through lanes shall be attached to the primary structure and recessed from the front building line by a minimum of ten (10) feet.~~
- ~~(4) At least one access point for the drive through facility should be provided from an alley if feasible and alternatively, from streets with preference given to the street with the least traffic volume.~~
- ~~(5) The drive through facility, including any canopy, shall be compatible in both material and architecture with the primary structure.~~
- ~~(6) Drive through service windows and ordering stations shall be located along the interior side or rear of a building.~~



Drive-Through Canopy/Service Window Locations

§157.103(N) [Reserved]

Amend the Special Uses Table of the Special Use provisions (§157.103):

Remove the Drive-Through Facility special use references; add references to Homeless Shelter and Parking Structures (Public and Private); revise the Group Residential Facility reference

TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Adoption agency	R3 and RP
Accessory dwelling unit	CM5B
Advertising office	R3 and RP

TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Animal raising or breeding (non-food production)	CM2 and CM3
Architect office	R3 and RP
Artist studio or school	R3 and RP
Automobile sales and services	CM2 and CM5B
Bank, credit union, or savings and loan association	R3 and RP
Barber shop	R3 and RP
Batting cage	CM2 and CM3
Beauty salon	R3 and RP
Bed and breakfast establishment	R3 and RP
Business storage facility	CM3 and CM4
Child and/or adult care center	R3 and RP
Class II child care home	AR, R1, R2, R3, RP, and CM5
Counseling service	R3 and RP
Commercial communication tower	R3, RP, CM1-4, CM5A, CM5B, SC1-4, and IN1-3
Commercial greenhouse or retail plant nursery	CM2
Community facility	AR, R1, R2, R3, and RP
Consulting service	R3 and RP
Correctional services facility	CM5A and CM5B
Country club	AR, R1, R2, R3, and RP
Dance studio or school	R3 and RP
Dentist office	R3 and RP
Doctors office	R3 and RP
Drive-through facility for a bank, credit union, or loan association	CM5A and CM5B
Drive-through facility for any use other than a bank, credit union or loan association	CM5B
Engineer office	R3 and RP
Fairground	CM2, CM3, and CM5
Finance office	R3 and RP
Flea market (indoor sales)	CM5B
Funeral home	AR, R1, R2, and RP
Gas station/convenience store	CM5B
Golf driving range, miniature golf course	CM2 and CM3
Group residential facility	AR, R1, R2, R3, and RP, CM5A and CM5B

TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Hazardous waste treatment, storage and/or disposal facility	IN2 and IN3
Health care facility	AR, R1, R2, R3, and RP
Home-based business	AR, R1, R2, R3, RP, CM5A, CM5B, and CM5C
Homeless shelter	CM5A and CM5B
Home workshop	AR, R1, R2, R3, RP, CM5A, CM5B, and CM5C
Horticultural/specialty crop production	AR
Household pet breeding (major) operations	AR, R1, R2, R3, and RP
Insurance office	R3 and RP
Interior designer office	R3 and RP
Junk and salvage yard	IN3
Land surveyor office	R3 and RP
Law office	R3 and RP
Loan office	R3 and RP
Manufactured home Type II	AR, R1, R2, R3, and RP
Massage therapy	R3 and RP
Medical center or clinic	R3 and RP
Medical related services	R3 and RP
Motor vehicle storage yard	IN2 and IN3
Municipal solid waste landfill facility	IN2 and IN3
Nail salon	R3 and RP
Neighborhood facility	AR, R1, R2, R3, and RP
Nonprofit private club	R3 and RP
Nursing home	CM5A
Off-site campus housing	CM1-5, and IN1
Off-premise signs between a 125 foot radius and a 350 foot radius from any city or county residential district, church, school, health care facility, or from any historic district or historic structure	CM2, CM3, CM4, IN1, IN2 and IN3 districts, except for properties within the defined Central Business District
Optician or optometrist office	R3 and RP
Outdoor recreation uses (ball diamonds and soccer fields)	R3, RP, CM1, and CM2
Parking areas (public or employee)	AR, R1, R2, R3, and RP
Parking area fencing	Any permitted or Board approved parking area

TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Pawnshop	CM5A and CM5B
Parking structures (public or private)	CM5A and CM5B

[the rest of the table remains the same]

Amend section §157.104(K) (CM5A, Central Downtown District) of the Permitted Use provisions:

Remove the next-to-last paragraph of the introductory language (the drive-through prohibition language):

- (K) **CM5A, Central Downtown District.** The Central Downtown District is intended to recognize the downtown as the heart of the city and the regional economic and cultural hub for Northeast Indiana. This area should also serve as a future hub for different forms of mass transit. This district is intended to be the city's highest density district consisting of multiple story buildings with mid- to high-rise buildings being common. The district is intended to provide for a pedestrian oriented mixture of cultural, entertainment, governmental, institutional, office, personal service, recreational, retail (including specialty retail), residential, restaurant, and similar uses along with the provision of public squares and other gathering spaces. Development following the recommendations of the Fort Wayne Downtown Design Guidelines and any completed plans for the downtown area should be encouraged. The development pattern in the district should serve to promote an active, attractive and pedestrian friendly environment while maintaining the unique and historic character of Downtown Fort Wayne. In order to promote and maintain a dense urban development pattern certain characteristics typically associated with less dense development such as minimum building setbacks and single story buildings should be discouraged. Parking is not intended to be provided for each use on-site, but rather is to be provided through on-street parking and parking garages that serve multiple buildings.

~~Drive through facilities, gas/service stations, gas station/convenience stores and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use in this district; see Section 157.103 for Special Use provisions for bank/credit union drive through facilities.~~

[the rest of the language in subsection (K) remains the same]

Amend section §157.104(L) (CM5B, Downtown Edge District) of the Permitted Use provisions:

Remove the next-to-last paragraph of the introductory language (the drive-through prohibition language):

(L) **CM5B, Downtown Edge District.** The Downtown Edge District is intended to recognize a transition from the high density mixed use development within the core downtown to the traditional urban residential neighborhoods that surround the downtown. The district is intended for a lower density development pattern than the CM5A District, but is still meant for predominately multiple story structures (typically between 2 and 6 stories). Like the CM5A District, this district is intended to provide for a pedestrian oriented mixture of cultural, entertainment, governmental, institutional, office, personal service, recreational, retail (including specialty retail), residential, restaurant, and similar uses along with the provision of public squares and other gathering spaces. This district is also uniquely intended to provide opportunities for small offices, artist studios, live/work space and other creative industries. Special attention should be paid to the primary corridors in this district as they serve as the gateways to the central downtown. Development following the recommendations of the Fort Wayne Downtown Design Guidelines and any completed plans for the downtown area should be encouraged.

~~Drive through facilities, gas/service stations, gas station/convenience stores and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use in this district; see Section 157.103 for Special Use provisions for bank/credit union drive through facilities.~~

[the rest of the language in subsection (L) remains the same]

Amend §157.109(A) (Front Yard Requirements) of the Yard Requirements provisions by revising the following:

Change the CM5B front yard setback from a minimum of 5 (five) feet to a 0 (zero) foot setback standard:

(A) **Front yard requirements.** There shall be a front yard for each lot, tract, or development parcel; the minimum depth shall be as listed in the following table (subject to the provisions and exceptions noted in this division).

FRONT YARD REQUIREMENTS	
Residential Uses	
District	Depth in Feet
AR, R1, R2, R3, RP, MR1, CM1, CM2, CM3, CM4, CM5B, and IN1	25?
CM5A	0? minimum; 10? maximum
CM5B	0? 5? minimum; 20? maximum
CM5C	0? minimum; 10? maximum
MR2	8?

Commercial, Industrial and Other Nonresidential Uses	
District	Depth in Feet
AR, R1, R2, R3, RP and MR1	25?
CM1, CM2, and CM5B	25?
SC	50?
CM3 and CM4	35?
CM5A	0? minimum; 10? maximum
CM5B	0? 5? minimum; 20? maximum
CM5C	0? minimum; 10? maximum
IN1 and IN2	25?
IN3	50?

Amend §157.109(B) (Side Yard Requirements) of the Yard Requirements provisions by revising the following:

Change the CM5B side street side yard setback from a minimum of 5 (five) feet to a 0 (zero) foot setback standard, for both residential and nonresidential uses:

- (B) **Side yard requirements.** There shall be two side yards for each lot, tract, or development parcel; the minimum widths shall be as listed in the following table (subject to the provisions and exceptions noted in this division).

SIDE YARD REQUIREMENTS			
Residential Uses			
District	Lot Type	Lot width	Required Side Yard
AR, R1, R2, R3, RP, MR1, CM1, CM2, CM3, CM4, and IN1	Corner	Up to and including 50? Greater than 50? up to and including 60? Greater than 60? up to and including 100? Over 100?	5? 5? 15? side street 7? interior 20? side street 10? interior 25? side street
	Interior	Up to and including 60? Greater than 60? up to and including 100? Over 100?	5? 7? 10?

CM5A	All lots	All lots	0? minimum, 10? maximum
CM5B	Corner	All lots	5? interior 0? 5? minimum, 20? maximum - side street
	Interior	All lots	5?

[the rest of the table remains the same]

SIDE YARD REQUIREMENTS			
Commercial, Industrial, and Other Nonresidential Uses			
District	Lot Type	Lot width	Required Side Yard
AR, R1, R2, R3, RP and MR1	Corner	All lots	10? or as established by the Board/Plan Commission
	Interior	All lots	10? or as established by the Board/Plan Commission
CM1 and CM2	Corner	Up to and including 55? Over 55?	10? 10? 15? internal (If adjacent to a residential district) 15? side street
	Interior	All lots	10? 15? (If adjacent to a residential district)

SC	All lots	All lots	25' or as established by the Plan Commission
CM3 and CM4	Corner	Up to and including 55' Over 55'	10' 10' 15' internal (if adjacent to a residential district) 15' side street
	Interior	All lots	10' 15' (If adjacent to a residential district)
CM5A	All lots	All lots	0' minimum, 10' maximum
CM5B	Corner	All lots	5' interior 0' 5' minimum - 20' maximum - side street

[the rest of the table remains the same]

Amend §157.109(D) (Yard Requirements for Accessory Structures and Uses) of the Yard Requirements provisions by amending or adding the following:

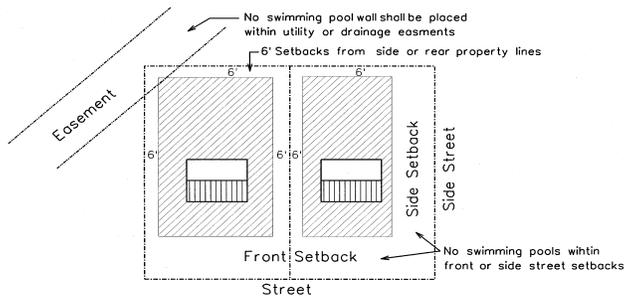
(D) Yard Requirements for Accessory Structures and Uses

(1) Except for accessory structures in the CM5A and CM5B districts, yard requirements for accessory structures and uses are located in the following table. Except for fencing, no new accessory structures shall be located within a utility or surface drainage easement. For additional information regarding residential and nonresidential accessory structures and uses see §157.107. See §157.113 for yard requirements for fences and walls, and for swimming pool fencing requirements.

YARD REQUIREMENTS FOR RESIDENTIAL ACCESSORY STRUCTURES AND USES		
	Side yard	Rear yard

All accessory structures (except for swimming pools) located entirely between the rear of the primary structure and the rear lot line	3'	3'
Detached garages, storage sheds, decks, arbors, residential satellite dishes over one (1) meter in diameter, or other similar structures entirely or partially located beside the primary structure (between the front of the primary structure and the rear lot line)	Same setback as the primary structure	3'
Swimming pools (above or below ground)	6'	6'

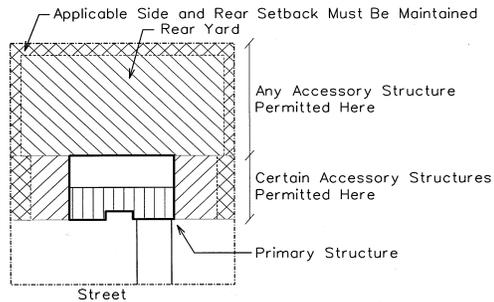
- (2) The following yard requirements shall apply to accessory structures in the CM5A and CM5B districts:
- (a) Accessory structures shall have the same minimum setbacks as primary structures.
 - (b) Accessory structures shall be located to the side or rear of the primary structure and shall be constructed and/or placed to minimize visibility from the public right-of-way.
 - (c) Accessory structures shall not exceed twenty-five percent (25%) of the ground floor area of the primary structure.



Swimming Pool Setback Requirements

- (3) **Exception to accessory structure yard requirements.** A satellite dish is permitted as a residential accessory structure subject to the location restrictions noted in division (D)(1) above. However, a residential satellite dish, which is less than one (1) meter in diameter, may be located as necessary to allow unimpaired reception. A Zoning Enforcement Officer may require adequate documentation in conjunction with a request to locate a residential satellite dish, to show that alternative locations would not allow for unimpaired reception. This exclusion shall not apply in cases involving historic structures, or properties located in local historic districts. The intent of this

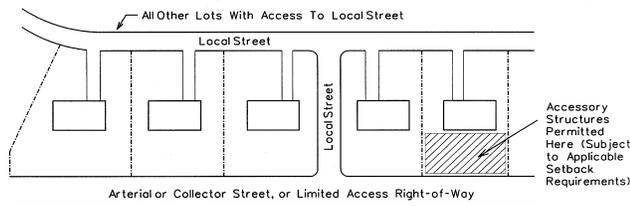
provision is to allow reasonable accommodation for unimpaired residential satellite dish reception, while at the same time protecting the health, safety, aesthetic quality, and historic character of the City.



Residential Accessory Structure Permitted Locations

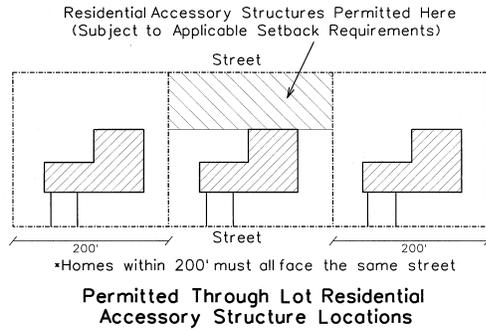
(4) Residential accessory structures on through lots. Accessory structures shall be permitted in the required front yard which functions as the rear yard for the lot, subject to the location restrictions listed in (D)(1) above, in the following circumstances:

- (a) If the through lot has a frontage on a street which is classified as an arterial or collector street, and none of the other through lots in that area has access to the arterial or collector street such that those front yards abutting the arterial or collector functions as the rear yard for those lots; or
- (b) If the through lot has frontage on a street which has been declared or purchased as "limited access" right-of-way by the State of Indiana, such that those front yards abutting the limited access right-of-way functions as the rear yard for those lots; or



Residential Accessory Structures On Through Lots

- (c) If the through lot is adjacent to other through lots and all of the homes on the adjacent through lots for a distance of 200 feet from the property lines of the through lot face the same street, such that the front yards abutting that street functions at the rear yard for those lots.



- (5) **Residential accessory uses.** Residential accessory uses shall be located between the rear of the primary structure and the rear lot line. However, slab on grade patios may be permitted in a required front or side yard, subject to the limitations in division (G)(2) below.
- (6) **Residential outdoor storage.** In any residential district, outdoor storage shall be prohibited in the required front yard.
- (7) **Nonresidential accessory structures.**
 - (a) **Except in the CM5A and CM5B districts,** nonresidential accessory structures may be located beside a primary structure, provided the accessory structure meets the side and rear yard setback requirement, except that nonresidential dumpsters may be located a minimum of five (5) feet from a side property line, and is located no closer to the front lot line than the primary structure or the required front yard setback, whichever is less.
 - (b) **Except in the CM5A and CM5B districts,** nonresidential accessory structures may also be located between the rear of the primary structure and the rear lot line, provided the accessory structure is located a minimum of five (5) feet from a side or rear property line, and provided the structure complies with any applicable screening or buffering provisions as set forth in §157.122 of this chapter.

[the rest of this subsection remains the same]

Amend the Permitted Materials portion (1) of §157.113(C) (Materials and Maintenance) of the Fences and Walls provisions by adding the following:

(C) Materials and Maintenance

- (1) **Permitted materials.** All fences shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material. The use of materials such as corrugated or sheet metal,

chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. **In CM5A and CM5B districts, fencing and wall materials shall be further limited as follows:**

(a) Permitted CM5A fence materials:

- (i) Wrought iron or similar metal;**
- (ii) Wood may also be permitted for a fence used to screen service, storage, or delivery areas.**

(b) Permitted CM5B fence materials:

- (i) Dark vinyl coated chain link, if supplemented with a continuous row of shrub plant material a minimum of three feet (3') in height;**
- (ii) Polyvinylchloride (PVC) vertical slat or picket style;**
- (iii) Wood vertical slat or picket style; and**
- (iv) Wrought iron or similar metal.**

(c) Permitted CM5A and CM5B wall materials:

- (i) Brick;**
- (ii) Stone; or**
- (iii) Similar masonry material, if approved by the Zoning Administrator.**

[the rest of this subsection remains the same]

Amend the Purpose section of the Development Plan provisions, §157.120(A):

Add a new (9) setting forth the purpose of Design Review:

(A) Purpose. The purpose of this section is to:

- (1) Designate zoning districts in which a development plan is required;
- (2) Designate development proposals which require the submission of a development plan;
- (3) Establish plan documentation and supporting information that must be submitted to allow for the review and action on a development plan;
- (4) Establish development requirements that must be satisfied before the Plan Commission or its designated representative may approve a development plan;
- (5) Establish procedures for the submission and review of a development plan;

- (6) Establish development requirements which may be waived, along with procedures and conditions for the granting of waivers by the Plan Commission or its designated representative, as part of the review and consideration of a development plan;
- (7) Establish procedures and conditions to allow the Plan Commission to delegate the responsibility for the review and action on certain development plans to the Planning staff;
~~and~~
- (8) Establish procedures and conditions to allow for the waiver of the development plan requirement; **and**
- (9) Establish procedures and requirements to provide for design review for certain projects in the CM5A and CM5B districts.**

Amend the Intent section of the Development Plan provisions, §157.120(B):

Add a new (3) setting forth the intent of Design Review:

- (B) **Intent.** The intent of requiring development plan submission and review is to:
 - (1) Promote and encourage quality development which has a positive impact on surrounding land uses and the overall community;
 - (2) Allow for public, Plan Commission and City staff review of and input on certain development proposals. This input may include comments, recommendations and/or requirements on the following:
 - (a) The compatibility of the proposed development with surrounding zoning and land uses;
 - (b) The availability, coordination, and adequacy of water, sanitary sewer, storm water drainage, and other utilities and/or facilities proposed to serve the development;
 - (c) Traffic and transportation safety, roadway capacity, and traffic congestion in the immediate vicinity of the proposed development site;
 - (c) Proposed entrance locations, street facilities, roadway improvements, and internal traffic circulation patterns;
 - (d) Proposed signage, pedestrian circulation facilities, recreation space and facilities, outdoor lighting, landscaping, buffering, and screening;
 - (e) The relationship between the design of the proposed development and public safety issues such as fire safety and crime prevention; and
 - (f) The impact of the proposed development on existing natural site features.

- (3) In the CM5A and CM5B districts, to promote: attractive and functional building forms; attractive and functional streetscape and public space design; compatibility of design, use, character, and pattern; increased pedestrian oriented design; and the use of high quality, durable materials.

Amend the Zoning Districts Requiring Development Plan Approval portion (C)(3) of the Primary Development Plan Procedures part of the Development Plan provisions, §157.120:

(C) **Zoning districts requiring development plan approval.** The development proposals listed in division (D) below located in the following zoning districts shall carry with them a requirement for the submission, review, and approval of a development plan in accordance with the procedures and requirements of this subchapter.

- (1) Proposals located in AR, R1, R2, R3, RP and MR Districts.
- (2) Proposals in CM1, CM2, CM3, and CM4 Districts, if the property where the development is proposed to be located is adjacent to an existing residential land use or vacant residentially zoned property. This shall include development proposals for a portion of a tract or development parcel where the overall parcel is adjacent to an existing residential land use or vacant residentially zoned property. For the purposes of this section, "adjacent" shall also include any property which is located directly across from the development site boundaries, and separated by a public right-of-way of 60 feet or less in width. "Existing residential land use" shall include:
 - (a) A lot or residential dwelling unit in a platted subdivision in a residential zoning district;
 - (b) An individual single or two family residence in a residential zoning district;
 - (c) An apartment or multiple family structure or complex; and
 - (d) A manufactured home park or subdivision.
- (3) Proposals located in CM5 Districts **as further set forth in (D) below** ~~for a new structure or an addition to existing structure.~~

Amend the Proposals Requiring Development Plan Approval portion (D)(2) of the Primary Development Plan Procedures part of the Development Plan provisions, §157.120, by adding a new paragraph (h):

(D) Proposals requiring development plan approval. If the

development request is located in a zoning district as specified in division (C) above, the following proposals shall require the submission and approval of a development plan, according to the procedures set forth in this section.

- (1) **Residential proposals as follows:**
 - (a) Multiple family structures with six or more units, and multiple family complexes;
 - (b) Residential condominium developments;
 - (c) Manufactured home parks which are not proposed to be platted;
 - (d) Single family residential subdivision projects which do not meet the requirements of §157.022(A) of the Subdivision Control Ordinance, or do not meet the requirements of §157.109 of the Zoning Ordinance;
 - (e) Off-site campus housing , fraternity/sorority house, or dormitory, located in R3 and RP Districts; and
 - (f) Other similar multiple lot single family residential projects which do not meet the requirements of §157.022(A) of the Subdivision Control Ordinance, or do not meet the requirements of §157.109 of the Zoning Ordinance.

- (2) **Commercial and industrial proposals which meet the following:**
 - (a) Except in the CM5 Districts as set forth in (g) below, any proposal for a new primary commercial structure which is over 3,000 square feet gross floor area in size; or
 - (b) Except in the CM5 Districts as set forth in (g) below, any proposal for a new primary industrial structure which is over 10,000 square feet gross floor area in size; or
 - (c) Any proposal for a new commercial or industrial development involving multiple lots/development parcels where the overall project area is over two acres in size; or
 - (d) Except in the CM5 Districts as set forth in (g) below, any proposed addition to a primary commercial or industrial structure which increases the gross floor area of the structure by over 50% or any addition over 50,000 square feet; or
 - (e) Commercial, industrial, or other nonresidential condominium developments; or
 - (f) Any proposal for a new shopping center, or expansion of an existing shopping center or development in a SC District which constitutes a substantial change to a previously approved plan or development; or
 - (g) In the CM5 districts, any proposal for a new

structure of over 1000 square feet gross floor area; an addition to an existing structure which increases its gross floor area by over 25%; or any addition of over 10,000 square feet to an existing structure; or

(h) In addition to (g) above, in the CM5A and CM5B districts, a development plan shall be required for:

(i) Master Sign Plans; and

(ii) any submitted project, including an Improvement Location Permit application for a fence or sign, if waivers are requested of the standards in: §157.123 (Design and Additional Standards), the Business Districts section of the Permitted Sign District Provisions (§154.17(C), CM5 Zoning district), the yard requirements (setbacks) in §157.109 (Yard Requirements), or the location, height, or materials requirements in §157.113 (Fences and Walls).

(i) In addition to the provisions above, an applicant or property owner may choose to voluntarily submit a commercial and/or industrial project or development through the development plan process if the nature of the proposed development would justify such a submission.

Amend the Waiver of Required Development Plan portion of the Development Plan provisions, §157.120(E), as follows:

(E) Waiver of required development plan.

(1) In any case where this chapter requires the submission of a **primary or secondary** development plan, an applicant or property owner may request that the development plan requirement be waived by the Zoning Administrator. **The Plan Commission may also waive a required secondary development plan as part of its approval of a primary development plan, including Master Sign Plans.** To request a waiver, the applicant/owner shall submit a written request setting forth the reasons why a waiver should be granted. **Either a primary or secondary development plan may be waived. The Zoning Administrator or Plan Commission may place conditions on the approval of a development plan waiver.** In reviewing the request, the Zoning Administrator **or Plan Commission** shall consider the following:

(a) The size of the property;

(b) The character and condition of existing structures on the property;

(c) The existing zoning and development patterns in the vicinity of the site;

(d) The size, site layout, and potential impact of the proposal on surrounding land uses;

(e) The location and proximity of existing residential zoning and/or land uses relative to the development site;

- (f) The benefit of public input of the development proposal; and
- (g) The need for Plan Commission review of the development proposal; or
- (h) Whether the proposal complies with the intent of Plan Commission-adopted design ~~guidelines~~ **standards** for the area.

Amend the Primary Development Plan Submission Requirements portion of the Primary Development Plan Procedures part of the Development Plan provisions, §157.120(F), by amending paragraphs (4) and (6):

(F) Primary development plan procedures.

- (4) **Additional submission requirements.** In addition to the required development plan documents, the following information shall be submitted ~~if applicable to the project~~ **unless determined by staff to not be applicable to the project:**
 - (a) ~~Where applicable,~~ Quantitative data indicating the gross residential density and type of dwelling units;
 - (b) A copy of any proposed restrictive covenants; and
 - (c) **For projects in the CM5A and CM5B districts, the information necessary to allow for a design review shall be submitted, including but not limited to:**
 - (i) **Preliminary building elevations, showing generalized sizes and locations of awnings, balconies, building bays, canopies, entrances and entrance features, façade horizontal and vertical divisions, building lighting and signage, and windows; and descriptions of proposed building façade materials;**
 - (ii) **A site plan showing proposed site lighting; freestanding sign locations, types, and general sizes; fence locations, heights, and materials; mechanical/service area screening;**
 - (iii) **Descriptions of proposed façade renovations (if applicable); and**
 - (iv) **Any other information necessary to show compliance with the applicable provisions of §157.123 (Design and Additional Standards).**
- (5) **Plan Commission public hearing.** The Plan Commission shall hold a public hearing on any primary development plan request, in accordance with the Commission's established public hearing calendar and rules.
- (6) **Plan Commission review standards.** As part of its review of a primary development plan, the Commission shall consider

the plan against the following standards:

- (a) The purpose and intent of this subchapter;
- (b) The goals, objectives and policies of the City's comprehensive plan, thoroughfare plan;
- (c) **In the CM5A and CM5B districts, the provisions of §157.123 (Design and Additional Standards), and the recommendations of the Downtown Design Manual and Design Review Committee; and**
- (d) The purposes set forth in IC 36-7-4-601(c) and the standards listed in IC 35-7-4-1405(a) (as may be amended).

Amend the Other Design and Review Standards portion of the Development Plan Design Standards part of the Development Plan provisions, §157.120(G), by amending paragraph (15):

- (G) **Development plan design standards.** In order to carry out the purposes and intent of this section, along with the goals, objectives, and policies of the City Comprehensive Plan, all development plans shall be designed, reviewed and approved in accordance with the following design standards.

[paragraphs (1) through (14) remain the same]

(15) Other design and review standards.

- (a) As part of its review of any proposed primary development plan, the Commission may require the preparation and submission of a traffic impact study and/or any other studies or information the Commission determines is necessary for proper consideration and review of the request.
- (b) Any proposal for a new shopping center in a SC District shall include a projected trade area study and analysis as part of the primary development plan submission.
- (c) Any site proposed for a new manufactured home park in a MR1 or MR2 District shall be at least five (5) acres in size.
- (d) **The Plan Commission shall establish a Design Review Committee for conducting reviews, making recommendations, or taking action on certain CM5A and CM5B development proposals; all Plan Commission-reviewed development plan projects in the CM5A and CM5B districts shall also be reviewed in terms of the recommendations of the Downtown Design Manual and the Design Review Committee, except that projects located within Local Historic Districts shall not be subject to design review. It is intended that the design review process generally take place as set forth in the table below:**

DESIGN REVIEW PROCESS					
Project Type	Primary and Secondary Development Plan (with Design Review Committee [DRC] Recommendation)	Major Facade Renovation (with DRC Decision)	Site Plan Routing (with DRC Decision)	Staff Review	Permit Type
New development projects (including accessory structures)	greater than 1,000 sq ft gross floor area (gfa)	N/A	less than 1,000 sq ft gfa	N/A	Improvement Location Permit (ILP)
Additions to primary or accessory structures, excluding additions to single and two family structures	greater than 25% of structure gfa or greater than 10,000 sq ft gfa	N/A	less than 25% of structure gfa or less than 10,000 sq ft gfa	N/A	ILP
Major facade renovation	N/A	All projects	N/A	N/A	ILP
Signs only	N/A	N/A	N/A	All projects	ILP
Fencing only	N/A	N/A	N/A	All projects	ILP
Minor facade renovation	N/A	N/A	N/A	N/A	N/A

Amend the Plan Commission Waiver of Required Design Standards portion of the Development Plan provisions, §157.120(H), by adding a new paragraph (5):

(H) Plan Commission waiver of required design standards.

[paragraphs (1) through (4) remain the same]

(5) The Plan Commission may also waive or modify the standards in §157.121 (Design and Additional Standards), as set forth therein.

Amend the Secondary Development Plan Submission Requirements portion (2) of the Secondary Development Plan Procedures part of the Development Plan provisions, §157.120(I), by adding the following:

(I) Secondary Development Plan Procedures.

(2) Secondary Development Plan Submission Requirements.

[the rest of the previous part of this section remains the same]

- (aa) In addition to the required development plan documents, the following information shall be submitted, if applicable to the project:
- (i) For projects within a special flood hazard area, an analysis of the proposed effect of the project on the floodplain certified by a registered professional engineer with expertise in water resources engineering shall be submitted. This analysis may be subject to review by an engineering consultant chosen by the Plan Commission or other applicable City department;
 - (ii) Where applicable, quantitative data indicating the gross residential density and type of dwelling units;
 - (iii) Proposed method of preserving and maintaining all common areas;
 - (iv) For multiple tenant or multiple unit structures the location and square footage of individual units or tenant spaces; ~~and~~
 - (v) A copy of proposed restrictive covenants; **and**
 - (vi) **For projects in the CM5A and CM5B districts, the information necessary to allow for a design review shall be submitted, including but not limited to:**
 - [1] Building elevations, showing sizes and locations of awnings, balconies, canopies, entrances, lighting, signage and windows, and detailed descriptions of proposed building façade materials;**
 - [2] A site plan showing proposed site lighting; freestanding sign locations, types, and sizes; fence locations, heights, and materials;**
 - [3] Detailed descriptions of proposed façade renovations (if applicable); and**
 - [4] Any other information necessary to show compliance with the applicable provisions of §157.123 (Design and Additional Standards).**

Amend the Purpose section of the Site Plan Routing Review provisions, §157.121(A) as follows:

- (A) **Purpose.** The purpose of this section is to:
- (1) Allow for proper review of certain proposed residential, commercial, industrial, and other nonresidential projects;
 - (2) Establish procedures for the submission and review of a site plan routing; and
 - (3) Establish plan documentation and supporting information that must be submitted to allow for the review of a project, **including design review for projects in the CM5A and CM5B districts.**

Amend the Intent section of the Site Plan Routing Review provisions, §157.121(B) by adding the following:

(B) **Intent.** The intent of requiring site plan routing review is to promote development which has a positive impact on surrounding land uses and the overall community, by allowing City staff review and feedback on certain development proposals. This input may include comments, recommendations and/or requirements on the following issues:

- (1) The compatibility of the proposed development with surrounding zoning and land uses;
- (2) The availability, coordination, and adequacy of water, sanitary sewer, storm water drainage, and other utilities and/or facilities proposed to serve the development;
- (3) Traffic and transportation safety, roadway capacity, and traffic congestion in the immediate vicinity of the proposed development site;
- (4) Proposed entrance locations, street facilities, roadway improvements, and internal traffic circulation patterns;
- (5) Proposed signage, pedestrian circulation facilities, recreation space and facilities, outdoor lighting, landscaping, buffering, and screening;
- (6) The relationship between the design of the proposed development and public safety issues such as fire safety and crime prevention; and
- (7) The impact of the proposed development on existing natural site features.
- (8) In the CM5A and CM5B districts, how the project promotes: attractive and functional building forms; attractive and functional streetscape and public space design; compatibility of design, use, character, and pattern; increased pedestrian oriented design; and the use of high quality, durable materials.**

Amend the Full Submittal Requirements portion (1) of the Application and Submittal Requirements part of the Site Plan Routing Review section, §157.121(E)(1), and standard (z), §157.121(E)(1)(z), as follows:

(E) **Application and Submittal Requirements.** All requests for site plan routing review shall be accompanied by a completed Improvement Location Permit application and the applicable permit fee. Requests must also be accompanied by the required number of complete sets of building plans and site plans, which shall be prepared and certified by the applicable licensed engineer, architect, or land surveyor and meet the minimum submittal requirements outlined in this section or as otherwise determined by Planning staff. It is intended that plans submitted for site plan routing review show specific site design and engineering details to allow for an adequate final review for permit issuance. The Planning staff reserves the right to not accept

incomplete submissions, or to accept the submission but defer routing the plans for review until it is complete. **All site plan routing projects located in CM5A or CM5B districts shall submit plans for design review; the design review process shall be completed prior to staff accepting the site plan routing submittal.**

- (1) **Full Submittal Requirements.** All plans submitted for site plan routing review must contain the items listed below if applicable to the project. **All site plan routing projects located in CM5A or CM5B districts shall require full submittal information.** Additional information may be required by City or County staff for individual projects in order to evaluate compliance with applicable regulations and standards. The following items must be included on the submitted plans unless otherwise determined by the Planning staff, with the exception of the projects as described under division (2) below:

[full submittal standards (a) through (y) remain unchanged]

- (z) In addition to the required plan documents, the following information shall be submitted, if applicable to the project:
- (i) For projects within a special flood hazard area an analysis of the proposed effect of the project on the floodplain certified by a registered professional engineer with expertise in water resources engineering shall be submitted unless specifically waived by the Plan Commission as a part of the primary approval. This analysis may be subject to review by an engineering consultant chosen by the Plan Commission or other applicable City department; ~~and~~
 - (ii) For multiple tenant or multiple unit structures the location and square footage of individual units or tenant spaces; **and**
 - (iii) **For projects in the CM5A and CM5B districts, the information necessary to allow for a design review shall be submitted, including but not limited to:**
 - [1] Building elevations showing sizes and locations of awnings, balconies, canopies, entrances, lighting, signage and windows, and detailed descriptions of proposed building façade materials;**
 - [2] A site plan showing proposed site lighting; freestanding sign locations, types, and sizes; fence locations, heights, and materials;**
 - [3] Detailed descriptions of proposed façade renovations (if applicable); and**

[4] Any other information necessary to show compliance with the applicable provisions of §157.123 (Design and Additional Standards).

- (2) Limited submittal requirements for certain projects.** The submittal requirements listed below shall apply to projects which are not located in a special flood hazard area, for additions to existing structures and/or new accessory structures on development parcels where the existing primary structures will remain. Additional information may be required by City or County staff for individual projects in order to evaluate compliance with applicable regulations and standards. The following items must be included on the submitted plans unless otherwise determined by the Planning staff:

[limited submittal standards (a) through (dd) remain unchanged]

Amend the Procedures for Site Plan Routing Review portion the Site Plan Routing Review section, §157.121(I), by adding the following new paragraph (4):

(I) Procedures for site plan routing review.

- (1) Filing deadline and meeting schedule.** Application submission deadlines and routing meeting dates shall be according to the schedule and times established by the Planning staff. Incomplete submissions shall not be accepted.
- (2) Site plan review committee meeting.** Proposals submitted prior to the application deadline shall be reviewed and discussed at the scheduled routing meeting dates. A representative should attend the meeting in order to answer questions about the proposal and receive comment information.
- (3) Action taken by the Site Plan Routing Review Committee.** Upon review of a submitted site plan the following actions may be taken by reviewing members:
 - (a)** Additional information may be required;
 - (b)** Changes to the site plan may be recommended or required;
 - (c)** The proposed site plan may be approved, with or without conditions; if no response is received from an applicable reviewing department/agency, the Planning staff may consider the lack of response to constitute approval of the plan; or
 - (d)** The proposed site plan may be denied, if it does not comply with applicable standards, specifications or requirements.

- (4) Design Review Committee.** The Plan Commission shall establish a Design Review Committee for conducting reviews and taking action on CM5A and CM5B site plan routing

projects; all site plan routing projects in the CM5A and CM5B districts shall also be reviewed in terms of the recommendations of the Downtown Design Manual and the standards of §157.121 (Design and Additional Standards). For these projects, the Design Review Committee shall be considered a reviewing department for the purpose of taking action on these two specific aspects of the project.

(5) Improvement Location Permit.

- (a) After the site plan review committee meeting, it is the responsibility of the designated project representative to provide the reviewer with any requested information or revised site plans.
- (b) Once all of the reviewing departments/agencies have sent approvals for the proposal to the Planning Department and the applicant has met or adequately committed to meet all of the conditions of approval, an Improvement Location Permit shall be issued for the project to the Allen County Building Department.

(6) Certificate of Compliance release.

- (a) Planning staff release. For new structures the applicant may be required to submit a certified survey to document that the structure(s) meet setback requirements, in addition to satisfying any other conditions of approval established by the Planning staff.
- (b) Certificate of Compliance release. During the site plan review committee meeting, reviewers may choose to place a hold on the Certificate of Compliance. It is the designated project representative's responsibility to contact the reviewers and provide any requested information or schedule any required inspections. When all of the reviewing departments/agencies have approved the release of the Certificate of Compliance, indicating compliance with all applicable standards and specifications, and the Planning staff has granted final approval, the Planning Department will issue the Certificate to the Allen County Building Department.
- (c) Multiple tenant structures. In the case of new multiple tenant commercial, industrial, or other nonresidential structures, the Planning staff may issue a Certificate of Compliance for an individual tenant space at the request of the owner/applicant. A tenant space Certificate of Compliance may be issued provided all applicable requirements pertaining to the tenant space have been resolved and the applicant has adequately met or committed to meet all other applicable conditions of approval pertaining to the overall project. Additional tenant spaces shall not be occupied until a separate Certificate of Compliance has been applied for and issued by the Planning staff.
- (d) Requests for additional Certificates of Compliance after release of the Improvement Location Permit. In the

case of a multiple tenant commercial, industrial, or other nonresidential structures, the Planning staff may issue additional Certificates of Compliance for individual tenant spaces. The applicant must pay the additional fees as required and submit plans showing the tenant space break down of the building. The project may need to be resubmitted through the site plan routing review process for review and approval of the breakdown of tenant spaces if deemed necessary by the Planning staff.

Add a new Design and Additional Standards section (§157.123) to the Site Plan Review Standards and Requirements provisions:

§157.123 Design and Additional Standards

(A) Purpose

The purpose of including design standards as part of the review of development plans, site plan routings, and certain other development proposals is to:

- (1) Implement the design-based recommendations of the Plan-it Allen Comprehensive Plan, the Downtown BluePrint plan, the BluePrint Plus plan, the Around the Square Sub Area Plan; and additional Council-adopted plans.
- (2) Preserve and enhance the unique character of the community, including the Downtown area, by maintaining the integrity of areas with special significance;
- (3) Foster attractive and functional design solutions;
- (4) Protect and encourage public and private investments;
- (5) Encourage new development and redevelopment which is compatible with the character and pattern of existing development; and
- (6) Provide design direction to property owners, developers, designers, and decision-makers.

(B) Applicability

This section shall be applicable to the following development proposals in the CM5A and CM5B districts:

- (1) Primary and secondary development plans;
- (2) Major façade renovations;
- (3) Site plan routing projects;
- (4) Conversions of single-family and two-family structures to commercial/mixed-use structures, or to multiple family structures that are determined to be development plans, major façade renovations, or site plan routing projects; and
- (5) Fence, parking lot, and sign proposals.

(C) Design standards

The following design standards shall apply as noted. The Downtown Design Manual is also available and is intended to provide additional information and assistance on, and recommended alternatives for CM5A and CM5B development proposals to property owners, developers, designers, and decision-makers.

(1) Awnings, canopies and marquees

- (a) Fiberglass and plastic awnings shall not be permitted.
- (b) Awnings shall not be internally lit.
- (c) At their lowest point, awnings, canopies, and marquees shall be a minimum of eight feet (8') above the grade of the sidewalk.

(2) Balconies

At their lowest point, balconies shall be a minimum of eight feet (8') above the grade of the sidewalk.

(3) Building additions

Additions to the front or side of an existing structure that are visible from a public street shall be similar in material and design to the primary facade.

(4) Building lighting

- (a) Building-mounted light fixtures shall be shielded or full cut-off such that glare is not created on adjacent public rights-of-way.
- (b) Building-mounted light fixtures in pedestrian areas such as sidewalks, pathways, and plazas shall not be mounted higher than twelve feet (12'), as measured from the adjacent grade.

(5) Building Materials

- (a) Mirrored glass is prohibited for all new construction, facade renovations, and building conversions.
- (b) In the CM5A district, aluminum and/or vinyl residential style lap siding is prohibited on the first two stories of structures, for all new construction, facade renovations, and building conversions.
- (c) Thin-set brick, corrugated metal, Exterior Insulation Finishing Systems (EIFS), and wood shake, shingle, or other wood lap siding is prohibited on the bottom three feet of the primary facade of the structure for new non-residential and mixed use buildings, facade renovations, and building conversions.

(6) Cornice/roof layer screening

Roof-mounted mechanical equipment such as roof vents, metal chimneys, solar panels, television antennae/satellite dishes, or air conditioning units shall be screened so as to not be visible from any adjacent sidewalk or street.

(7) Drive-Through Facilities

- (a) The following requirements shall apply to all drive-through facilities:
 - (i) There shall be a direct pedestrian access between the primary entrance and the adjacent public sidewalk.
 - (ii) The drive-through facility shall not have more than two (2) service lanes.
 - (iii) If an additional access point is required to serve a new facility, the access should be provided from an alley if feasible; if alley access is not feasible, the access should be provided from the street with the least traffic volume.
- (b) The following requirements shall apply to drive-through facilities proposed as part of a new primary structure:
 - (i) The structure shall be located at the minimum front setback line as established in the Zoning Ordinance for the associated zoning district. Structures located on a corner lot/development parcel shall be considered to have two (2) front setback lines. In this situation, the Plan Commission or Zoning Administrator shall determine the location of any required rear yard.
 - (ii) In CM5A districts, drive-through service windows and ordering stations shall be located on the rear of a structure.
 - (iii) In CM5B districts, drive-through service windows and ordering stations shall be located on the interior side or rear of a structure.
 - (iv) In CM5B districts, if the drive-through service window is located on the interior side of the structure, canopies for the drive-through windows shall be attached to the structure and recessed from the front of the structure by a minimum of ten feet (10').
 - (v) In CM5B districts, the drive-through exit lane shall be located a minimum of ten feet (10') from the structure at the location where the exit lane meets the public sidewalk.
- (c) The following requirements shall apply to drive-through facilities proposed as an addition to an existing primary structure:
 - (i) In CM5A districts, drive-through service windows and ordering stations shall be located either on the interior side or rear of a structure, with access to the window provided by new or existing alley access points; an existing street access point may also be used.
 - (ii) In CM5B districts, drive-through service windows and ordering stations shall be located either on the

interior side or rear of a structure, with access to the window provided by new or existing alley or street access points.

- (iii) If the drive-through service window is located on the interior side of the structure, canopies for the drive-through lanes shall be attached to the structure and recessed from the front of the structure by a minimum of ten feet (10').
- (iv) If the drive-through service window is located on the interior side of the structure, the drive-through lanes shall be located a minimum of ten feet (10') from the building at the location where the exit lane meets the public sidewalk.

(8) Entrances

- (a) There shall be at least one (1) unobstructed pedestrian walkway at least five feet (5') wide connecting the primary facade entrance to an adjacent public sidewalk.
- (b) For new non-residential and mixed use buildings, there shall be a minimum of one (1) direct pedestrian entrance accessed directly from the primary street frontage of a building. A corner entrance shall be permitted as a way of meeting this standard.
- (c) For new non-residential and mixed use buildings, architectural features shall be provided at primary façade entrances and shall include at least one (1) of the following at each primary entrance:
 - (i) An arch;
 - (ii) An awning or canopy;
 - (iii) Architectural design elements, projecting from the vertical plane of the main exterior wall and raised above the adjoining parapet wall/roof;
 - (iv) Architectural details such as tile work and moldings that are integrated into the building design;
 - (v) Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
 - (vi) Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns that create visual breaks and interest in the facade walls;
 - (vii) A raised corniced parapet over the door; or
 - (viii) A recessed entry.
- (d) For new non-residential and mixed use buildings, building mounted lighting shall be provided at primary and secondary entrances.
- (e) For new residential buildings, the primary exterior entrance(s) shall face a primary street frontage or be

oriented to the corner, and shall be highlighted with architectural elements and/or details, including at least one (1) of the following at each primary entrance:

- (i) An arch;
- (ii) An awning or canopy;
- (iii) Architectural design elements, projecting from the vertical plane of the main exterior wall;
- (iv) Architectural details such as tile work and decorative moldings that are integrated into the building design;
- (v) Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
- (vi) Pilasters projecting from the plane of the wall and/or architectural or decorative columns that create visual breaks and interest in the facade walls;
- (vii) A porch: or
- (viii) A recessed entry.

(9) Façade horizontal divisions (primary facades)

- (a) For new non-residential and mixed use buildings, a clear delineation/division between the street level facade and upper façade shall be created by providing one of the following elements:
 - (i) Awnings;
 - (ii) Variation in window pattern such as large store-front windows at street level and smaller, separated windows on the upper facade level; or
 - (iii) A flush or projecting horizontal band of a different material, color, or pattern.
- (b) For new non-residential and mixed use buildings, one of the following elements shall be included on the cornice layer:
 - (i) A cornice or other three-dimensional element; or
 - (ii) A flush or projecting horizontal band of a different material, color, or pattern.

(10) Façade vertical divisions (primary facades)

- (a) For new non-residential and mixed use buildings, the façade shall consist of building bays that are a minimum of thirty feet (30') in width. Building bay widths shall be measured to the center of the column, pilaster, or other element/change in plane.

(b) Bays shall be established using at least one of the following architectural features:

- (i) Changes in texture or materials;
- (ii) Columns, ribs, or pilasters;
- (iii) Enhanced entries; or
- (iv) A change in plane (a recess or projection).

(11) Façade transparency

For new non-residential and mixed use buildings, a minimum of fifty percent (50%) of the street level façade shall be transparent, as measured by the window and door openings compared to the area of the façade. The length of the area of the façade shall be measured from the top of any foundation wall to the bottom of the first floor ceiling.

(12) Facade design (secondary)

For new non-residential and mixed use buildings, building walls that are visible from public streets, public gathering areas, connecting walkways, or adjacent development shall be subdivided horizontally and vertically as further set forth in (9) and (10) above on at least fifty percent (50%) of the façade.

(13) Mechanical and service area screening

- (a) For new non-residential and mixed use buildings, roof-mounted mechanical equipment such as roof vents, metal chimneys, solar panels, television antennae/satellite dishes, or air conditioning units shall be screened so as not to be visible from any adjacent street or sidewalk.
- (b) For new non-residential and mixed use buildings, loading berths, service areas, trash storage, exterior work areas, storage yards, and truck parking shall be adequately screened from public streets, public open spaces and residential properties using building mass, freestanding walls and gates, and/or landscaping, except at access points. The screening shall be a minimum of six feet (6') in height.
- (c) For new non-residential and mixed use buildings except for dumpsters recessed into a building, the minimum height service area or dumpster enclosure screening shall be six feet (6'). Gates shall be provided.
- (d) For new non-residential and mixed use buildings, ground-mechanical equipment shall be screened with an enclosure constructed of materials that are compatible with the primary structure materials or with evergreen landscaping which is not less than the height of the mechanical equipment at the time of planting.
- (e) For new residential buildings, dumpsters and mechanical equipment located on the ground shall be screened on all

sides from any adjacent street or sidewalk by the building, walls, plant material, or fences.

(14)Site lighting

- (a) Site lighting shall be required to illuminate pedestrian areas outside of the public right-of-way including parking areas, service areas, sidewalks and pathways, and plazas.
- (b) Lighting intended for pedestrian pathway illumination shall have a maximum height of fifteen feet (15').
- (c) All parking lot lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.
- (d) The maximum height for all parking lot illuminating light fixtures, including both the pole and the base, shall be twenty-five feet (25') above grade.
- (e) The maximum average maintained illumination level of parking areas, service areas, pathways, and plazas shall be no more than one and six-tenths (1.6) horizontal footcandles at grade.
- (f) Cut-off fixtures shall be used for parking lots or building-mounted lighting. Lighting fixtures shall be fully shielded (no direct light emitted past a specified point or property line) or full cut-off (no light emitted above the horizontal plan of the lowest edge of the fixture) in accordance with dark sky principles.
- (g) The use of spotlights, floodlights, and searchlights shall be prohibited except for short-term events of up to seven (7) days.
- (h) Holiday lighting shall be exempt from the provisions of this section.
- (i) Lighting of outdoor display or open sales areas
 - (i) Light fixtures serving areas designated as exterior display or open sales areas shall be full cutoff and/or fully shielded fixtures.
 - (ii) Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed four (4) foot-candles.
 - (iii) Light fixtures located on the perimeter of display or sales areas and within twenty feet (20') of a property line shall utilize "house-side" shielding to minimize light spillage beyond that property line.

(15)Townhouse complexes

- (a) Townhouse units shall only be connected to other units on the sides of the unit (each unit shall have its own exterior front and rear walls).

(b) No single building shall have more than 10 ground floor units.

(c) Units shall not have garage doors facing public streets.

(16)Waivers of design standards

(a) As part of the review and approval of a primary development plan, the Plan Commission may waive or modify the standards in this section, along with the design standards included in §157.113 (Fences and Walls) and the Off-Street Parking subchapter, based on a written request by the applicant setting forth the reasons why the waiver or modification should be approved, and after consideration of a recommendation by the Design Review Committee. Design standards waivers may only be granted by the Plan Commission, as part of a primary development plan. It is intended that the Commission not grant waivers based solely on financial considerations or representations of additional costs or expenses. The Plan Commission may grant a waiver or modification if the Plan Commission determines in writing that:

(i) the applicant has submitted adequate documentation in support of the requested waiver or modification;

(ii)the proposed building or site design, after the granting of the requested waiver or modification, will be an attractive and functional design that meets the intent of the design standards and is compatible with the character and pattern of existing development in the surrounding area;

(iii) the need for the waiver arises from conditions specific to existing site or area characteristics, such that it is not practical to provide the required design feature on the site; and

(iv)the approval of the waiver or modification will not be unduly detrimental to existing public and/or private investments in the surrounding area.

Amend §157.140 (Purpose) of the Off-Street Parking provisions as follows:

§157.140 Purpose.

The purpose of this subchapter is to establish standards for the provision of adequate off-street parking facilities, **including standards for bicycle facilities and parking structures**, for permitted residential, commercial, industrial and other nonresidential uses.

Amend §157.141 (General Requirements) of the Off-Street

Parking provisions as follows:

§157.141 General Requirements.

- (A) **Applicability.** The minimum off-street parking requirements of this subsection shall apply to:
- (1) Any new freestanding building or use except in the CM5A and CM5B Districts. If parking is provided for uses in the CM5A and CM5B districts, there shall be a maximum number of parking spaces allowed; parking maximums shall be one-half (1/2) of the number of spaces required for the use by the zoning ordinance in districts other than the CM5A and CM5B districts.
 - (2) An addition to an existing building where the addition increases the size of the existing building by over 25%, provided the addition does not displace required parking spaces, with the following exceptions:
 - (a) For elementary, middle, junior high, and senior high school uses, the standard shall apply only in cases where additional classrooms are being added;
 - (b) For church uses, the standard shall apply only in cases where additional sanctuary space is being added; and
 - (c) For additions located in the CM5A and CM5B districts.
- (B) **Location of spaces.** All parking spaces required by this subchapter shall be provided on the same lot, tract or development parcel as the building, structure, or use for which the spaces are required, except in the case of off-site parking areas for church, synagogue, or other religious building use, or school uses, where the lot is either under the same ownership or operates under an executed agreement allowing for its use and is located within 500 feet of the primary use (as measured between closest property lines).
- (C) **Multiple uses and/or buildings.** Where multiple uses exist in the same building or more than one building exists on the same lot, tract or development parcel, off-street parking requirements shall equal the sum of the requirements for the individual uses. Parking areas for multiple buildings may be provided collectively in one or more parking areas as long as the individual use requirements are met and the parking is provided on the same lot, tract or development parcel.
- (D) **Maintenance.** Off-street parking spaces and any required landscaping shall be provided and maintained by the property owner or other occupant of the property.
- (E) **Compliance with Americans with Disabilities Act.** The design and construction of all new off-street parking areas shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

- (F) **Off-Street Parking Space Credits.** To allow for flexibility concerning parking standards in the City's nonresidential zoning districts (**CM1-4; CM5C**, SC1-4; and IN1-3) in order to accomplish the Comprehensive Plan's objectives of urban revitalization, enhancing the pedestrian environment, and encouraging the use of transit, parking space credits shall be allowed for nonresidential uses in these districts as set forth below:
- (1) On-street parking spaces directly in front of and to the side of the lot, tract, or development parcel where the proposed or existing use is located may be counted towards satisfying the minimum off-street parking requirements;
 - (2) One (1) required off-street parking space for each on-site bicycle rack (a rack must store a minimum of four (4) bicycles), up to 2% of the total parking requirement;
 - (3) If access to public transit is located within 400 feet of the lot, tract, or development parcel where the proposed or existing use is located, this may serve in lieu of one (1) required off-street parking space;
 - (4) If construction techniques such as pervious pavement, block and concrete modular pavers, and grid pavers are used for off-street parking surfaces, each space provided as a result may serve in lieu of two (2) required off-street parking spaces, up to a maximum of 10% of the number of required spaces;
 - (5) However, in the CM5B and CM5C Districts, where existing off-street parking exists, or additional spaces are required, the resulting off-street parking provided after the application of these credits shall not be less than two spaces (it is intended that a minimum of 2-4 off-street parking spaces be provided behind existing or proposed structures on the same lot, tract, or development parcel in these districts where practical, primarily to accommodate employee parking).
- (G) **Off-Street Parking Space Waivers.** To allow for flexibility concerning parking standards in order to accomplish the Comprehensive Plan's objectives of allowing for mixed uses, encouraging new construction that is compatible with existing structures and development patterns, encouraging the provision of parking situations more suitable for higher density urban areas, and enhancing the pedestrian environment, the Zoning Administrator may grant waivers of required off-street parking spaces, as part of its review of a Site Plan Routing project or Improvement Location Permit application. To request a waiver, the applicant/owner shall submit a written request setting forth the reasons why a waiver should be granted. Upon receiving a request for a waiver of a required development plan, the Zoning Administrator shall review and either approve or deny the request. The Zoning Administrator shall notify the applicant in writing of the action and reasons for the approval or denial. In reviewing the request, the Zoning Administrator shall consider the following:

- (1) The size of the property;
- (2) The location of existing structures on the property;
- (3) The existing zoning and development patterns in the vicinity of the site;
- (4) The size, site layout, and potential impact of the request on surrounding land uses;
- (5) The benefit of public notice and input on the request;
- (6) The previous use of the property;
- (7) The need for additional on-site parking, based on the intensity of the land use and the availability of parking in the immediate vicinity of the site; and
- (8) Whether the provision of additional on-site parking would create a practical difficulty in the use of the property.

(H) Bicycle facilities

- (1) In CM5A and CM5B districts, non-residential development over 50,000 square feet shall provide a designated bicycle parking area with a minimum provision for the parking of at least four (4) bicycles. This requirement may be waived if bicycle parking exists within the public right-of-way within fifty feet (50') of the primary entrance.
- (2) In CM5A and CM5B districts, the location of bicycle parking facilities shall be within fifty feet (50') of the primary entrance of the structure they are associated with. Alternatively, facilities to secure bicycles may be located in adjacent parking lots or structures, or designated interior space.
- (3) High-rise multiple family complexes in CM5A, multi-family dwellings and complexes in CM5B, and townhouse complexes in CM5B shall provide bicycle parking consisting of facilities to secure at least four (4) bicycles.

(I) Parking structures

- (1) In CM5A and CM5B districts, if commercial or residential uses are not provided on the ground level, parking structures shall maintain a minimum ten foot (10') setback along yards with a street frontage. Evergreen trees shall be planted to screen the first two (2) floors. Architectural features may be used in addition to the evergreen screening.
- (2) In CM5A and CM5B districts, if a new parking structure is connected to an existing or proposed building, then the parking structure shall be compatible with that building, in terms of materials, type, color, pattern, and durability.
- (3) Parking structures shall be exempt from maximum parking requirements.

Amend the Location Standards portion (D) and the Accessibility portion (E) of §157.142 (Parking Area Improvement Standards)

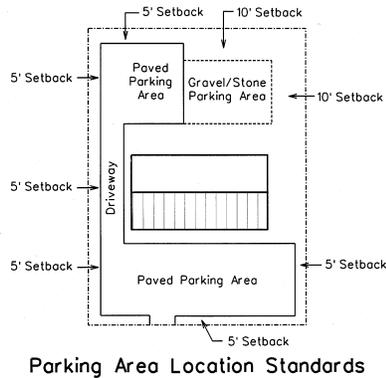
of the Off-Street Parking provisions as follows:

§157.142 Parking Area Improvement Standards.

- (A) **Establishment of standards.** The Board of Public Works shall establish minimum standards and specifications for paving, surfacing, and drainage of all land used for off-street parking and all driveways serving parking areas, whether required by this subchapter or otherwise provided.
- (B) **Paving and drainage.** All land which is placed in use for off-street parking and all driveways serving parking, delivery, and loading areas, shall be paved with asphalt, concrete, or other approved all-weather hard surface, including construction techniques such as pervious pavement; block, concrete, and similar modular pavers, and grid pavers; and shall be drained with materials and in a manner which meets the current minimum standards and specifications for parking areas adopted by the Board of Public Works. However, in industrial zoning districts, parking areas which are provided in addition to the minimum number of spaces required as set forth in §157.144 shall not be required to be paved, but may have a gravel surface which meets the current minimum standards and specifications for parking areas adopted by the Board of Works. Also, single and two family residential uses which do not include public parking areas as defined in this chapter shall not be required to pave driveways and parking areas. However, the parking, storage, or display of motor vehicles on grass or other similar areas which do not have a paved or gravel surface shall not be permitted.
- (C) **Curbing.** All public parking areas shall have curbing or other acceptable elements around the perimeter of the parking area at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, streets, alleys or sidewalks or landscape areas. Curbing shall also be used if necessary to facilitate drainage and to prevent the discharge of water onto adjacent properties.
- (D) **Location standards.** ~~Except as further noted below, Any paved area used for off-street public or employee parking, including driveways or driving lanes, except for driveways or driving lanes which provide direct access, shall meet the following standards:~~
- (1) **Paved areas** shall be located a minimum of five (5) feet from any property line ~~except for driveways or driving lanes which provide direct access.~~
 - (2) ~~Any gravel area,~~ **Gravel areas** ~~including driveways, used for off-street public or employee parking~~ shall be located a minimum of ten (10) feet from any property line ~~except for driveways or driving lanes which provide direct access.~~
 - (3) **In CM5A and CM5B districts, off-street parking shall not be located in front of or on the side of any new structure.**
 - (4) In CM5C Districts, parking areas shall be located a minimum of 20 feet from any front property line; and new parking

areas in these districts are intended to only be permitted where there is an adequate existing alley access, so that a new driveway onto the primary commercial street is not required.

- (5) These location standards shall not apply to any single or two family residential driveway or parking area which does not meet the definition of "public parking area" as set forth in this chapter.



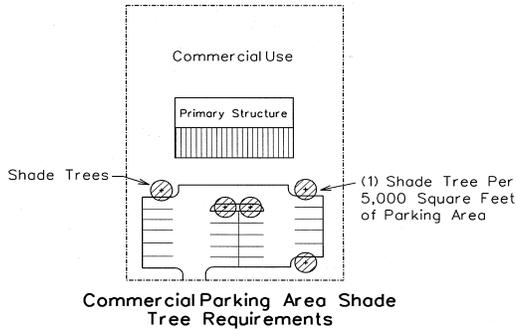
- (E) **Accessibility.** All parking facilities provided pursuant to this subchapter shall be directly accessible from an improved public right-of-way or other approved access provisions. **In the CM5A and CM5B districts, pedestrian pathways shall be provided from public sidewalks to surface parking areas.**

Amend the Landscape Planting Area and Shade Tree requirements portion (C) and the Waiver of Parking Area Landscaping Requirements portion (E) of §157.143 (Parking Area Landscaping Requirements) of the Off-Street Parking provisions by amending as shown and adding the following:

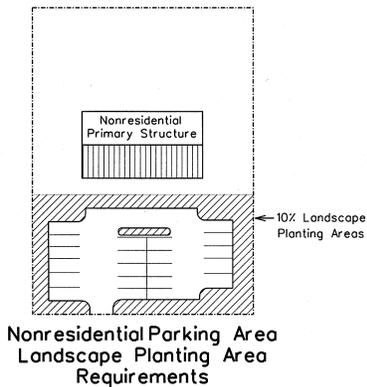
- (A) **Purpose.** The purpose of this section is to establish standards for providing adequate landscaping in and adjacent to parking areas and driveways serving those parking areas, to carry out the following objectives:
- (1) Provide screening and buffering between parking areas and adjacent uses, structures, and public alleys and roadways;
 - (2) Provide shading for paved parking areas;
 - (3) Provide adequate green space and planting areas in and adjacent to parking areas;
 - (4) Decrease storm water run-off and erosion;
 - (5) Aid in directing the circulation of vehicles and pedestrians;
 - (6) Identify entrances and exits;

- (7) Conserve or enhance property values;
 - (8) Improve the relationship between the site design of the proposed development and public safety issues such as fire safety and crime prevention; and
 - (9) Improve the appearance of parking areas and the overall area.
- (B) **Landscape plan.** A landscape plan shall be submitted as necessary to show conformance with this section. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 5).
- (C) **Landscape planting area and shade tree requirements.** The following parking area landscape planting area and shade tree requirements shall be calculated based on the gross square footage of the parking areas (not including driveways to and from the overall parking area).
- (1) All off-street public and employee parking areas shall require the provision and maintenance of deciduous shade trees of a variety hardy to this region, according to the requirements in the table below.

PARKING AREA SHADE TREE REQUIREMENTS	
Proposed Use	Minimum Parking Area Shade Tree Requirement
Multiple family or similar residential use	1 tree per 4,000 square feet of parking area
Commercial use	1 tree per 5,000 square feet of parking area
Industrial, institutional, or other nonresidential use	1 tree per 7,000 square feet of parking area



- (2) Each tree-planting island shall contain at least **180** square feet of area per tree.
- (3) Landscape planting areas which equal at least 10% of the parking area square footage shall be provided for all off-street parking areas.



- (4) The provision, installation, planting size, and maintenance of all shade trees and landscaping required under this division shall conform to the applicable City and Plan Commission policies, standards, specifications, and rules.
 - (5) **In the CM5A and CM5B districts, new surface parking areas shall be screened from public streets by a continuous buffer that:**
 - (a) **Consists of living plant material alone or in combination with masonry walls or permitted fencing;**
 - (b) **Contains one (1) deciduous shade tree per forty feet (40') of the perimeter (if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement).**
 - (6) **In the CM5A and CM5B districts, interior landscaping is required for new parking areas with more than twenty-five (25) spaces or exceeding eight thousand (8,000) square feet.**
- (D) **Screening and buffering.** Screening and buffering of parking areas shall be provided to meet the requirements of §157.122.

(E) Waiver of Parking Area Landscaping Requirements.

- (1) The Plan Commission ~~or its designated representative~~ may waive or modify parking area landscaping requirements, **including parking area setback standards**, as part of the review and approval of a primary ~~or secondary~~ development plan, in accordance with §157.120(H). **Setbacks for parking areas adjacent to front lot lines or residential zoning districts shall not be eligible for a waiver.**
- (2) The Planning staff may waive or modify the parking area landscaping requirements as part of the review and approval of a site plan routing submission, upon a written request by the applicant. Such a waiver or modification may be granted provided that the request is in substantial conformance with the following:
 - (a) The waiver or modification is in conformance with the purpose of this subchapter;
 - (b) The staff determines that the applicant has submitted adequate documentation in support of the requested waiver or modification;
 - (c) The staff determines the required parking area landscaping is not necessary or practical, based on the existing site or area conditions/characteristics, or size of the proposed parking area;
 - (d) The requested waiver or modification will not create any potential storm water runoff or erosion problems;
 - (e) The requested waiver or modification will not be unduly detrimental to the use and value of the area adjacent to the property included in the request; and
 - (f) The requested waiver or modification will not be unduly detrimental to the overall site design of the proposed development.
- ~~(3) A decision by the Plan Commission's designated representative to grant or deny a requested waiver or modification of parking area landscaping requirements as part of a secondary development may be appealed to the Plan Commission, in accordance with the Commission's rules.~~

Amend §157.223 (Improvement Location Permit) of the Administration and Enforcement subchapter as follows:

§157.223 IMPROVEMENT LOCATION PERMIT.

(A) General Provisions.

- (1) No building or structure shall be erected, constructed, reconstructed, enlarged, or moved prior to the issuance of an Improvement Location Permit. **Projects meeting the definition of major façade renovation shall also be required to obtain an Improvement Location Permit; such projects shall be**

required to be reviewed through the design review process as set forth herein and in the Plan Commission's rules, prior to the submission of the Improvement Location Permit application.

- (2) No Improvement Location Permit shall be issued for a proposal ~~to erect, construct, reconstruct, enlarge, or move a building or structure~~, unless the proposal conforms with the provisions and requirements of this chapter.
- (3) If a development proposal or permit request requires the approval of a development plan or a site plan routing review, no Improvement Location Permit shall be issued prior to the completion of the applicable review and approval process.

(B) Application and filing fee.

- (1) All applications for Improvement Location Permits shall be submitted on forms provided by the Planning staff, and accompanied by the required filing fee as established by the Plan Commission.
- (2) The applicant shall also submit site plans and any additional information necessary to allow a Zoning Enforcement Officer to determine whether the proposed construction will comply with the provisions of this chapter.
- (3) **For major façade renovation projects, the applicant shall also submit:**
 - (a) **Building elevations showing sizes and locations of awnings, balconies, canopies, entrances, lighting, signage and windows, and detailed descriptions of proposed building façade materials;**
 - (b) **A site plan showing proposed site lighting; freestanding sign locations, types, and sizes; fence locations, heights, and materials;**
 - (c) **Detailed descriptions of proposed façade renovations (if applicable); and**
 - (d) **Any other information necessary to show compliance with the applicable provisions of §157.123 (Design and Additional Standards).**
- (4) As part of the application, a Zoning Enforcement Officer may also require the submission of a plot plan or certified land survey. A Zoning Enforcement Officer may defer action on the review and approval of any incomplete application.

Chapter 154 [Sign ordinance] amendments:

Amend section §154.02 (Definitions) of the Sign Ordinance as follows:

Replace the following definitions:

~~DIRECTION SIGN.~~ Any sign which serves solely to designate the

~~location or direction of any area or place.~~

DIRECTION SIGN. A small auxiliary sign typically used to provide information such as: directions on or to a property, parking locations and limitations, traffic information, address identification, and other similar information. Direction signs may include logos or other proprietary symbols.

~~**PROJECTING SIGN.** A sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall.~~

PROJECTING SIGN. A sign, other than a wall sign, which is affixed to a building wall and projects from the building face generally at a right angle to the building, such that the sign is designed to be viewed from a position generally perpendicular to the building. Projecting signs shall not project above the wall of a building, including cornice walls.

~~**WALL SIGN.** Any sign attached or affixed to the wall of a building which projects no more than 12 inches from the wall surface.~~

WALL SIGN.

A sign attached to the face of a building, or attached to a mansard or similar style of roof, such that the sign is designed to be viewed from a position generally parallel to the building. Signs parallel to and attached to sloping walls or mansard or similar style roofs to allow the sign display surface to remain perpendicular to the ground shall also be considered wall signs. Wall signs shall not project above the wall, cornice line, or top roof line of a building.

Add the following definitions:

AWNING. A cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. The top surface of an awning is typically sloped. An awning may be fixed in place or retractable. An awning is completely supported by the building.

AWNING SIGN. A sign affixed flat to or painted upon the surface of an awning.

BLADE SIGN. A sign affixed to a building wall which projects from the building face, generally at right angles to the building. Blade signs are: primarily oriented toward vehicular traffic; typically taller than they are wide; and located in higher traffic volume areas. Blade signs shall only be permitted on buildings which are over 60 feet in height.

CANOPY. A fixed cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. A canopy typically projects at a 90-degree (perpendicular) or similar angle. A canopy may be completely supported by the building, or completely or partially supported by

columns, poles, posts, or similar supports.

CANOPY SIGN. A sign affixed to a canopy.

CHARACTER. A combination of both the visual (physical design/materials/location) and functional (accessibility/level of activity) qualities of a structure or an area that set it apart from its surroundings and contribute to its individuality.

COMPATIBILITY. The characteristics or features of different buildings or site development which allow them to be located adjacent to or near each other in harmonious and congruent relationships. Compatible does not mean "the same as." Rather, for the purposes of this Manual, compatibility refers to the ability of development proposals to recognize and adapt to the character or context of existing development by successfully coordinating with the characteristics of adjacent buildings or nearby development. Elements that may affect a determination of compatibility include: building height, scale, and mass; building materials; façade design, including building divisions, façade rhythms, and window size and arrangement; access and parking locations; landscaping; and building/site lighting. The size, scale, location, and/or use of a proposed development may also affect determinations of compatibility. It may be appropriate for larger buildings or development proposals, or for certain uses, to establish a unique character for a given area.

DEVELOPMENT PARCEL. A parcel, tract or area of land. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of this chapter; or it may include parts of a combination of such parcels when adjacent to one another and used as one. Other arrangements of property may also be determined by the Plan Commission or Zoning Administrator to be development parcels/lots for the purposes of these regulations.

GROUND-MOUNTED SIGN. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles with no clearance between the bottom of the sign and the ground below, and designed to include a continuous or nearly continuous central base.

MARQUEE. A fixed cover that projects from a wall of a building over an entrance to provide weather protection, architectural spatial definition, and lighting. A marquee is completely supported by the building and is typically used in association with a theater or similar use. A marquee is typically deeper than a canopy.

MARQUEE SIGN. A sign affixed to a marquee.

MASTER SIGN PLAN. A plan submitted to the Plan Commission as part of a request for an overall sign program of a consistent architectural design for either a larger scale development (such as a large retail or shopping center, industrial park, medical campus, etc.) on a lot,

development parcel, or combination of lots/development parcels; for multiple signs as part of an individual development project; or for a request for a waiver on a site where the Plan Commission has previously approved a development plan.

TEMPORARY SIGN. A sign not intended or designed for permanent display. Easily removed signs attached to windows shall be considered temporary signs.

WINDOW SIGN. Any sign painted or otherwise permanently affixed onto a glass area or installed behind a window for viewing from outside the building, excluding temporary signs.

Amend the Office District section of the Permitted Sign District Provisions, §154.16(A) (CM1 Zoning district) as follows:

§154.16 OFFICE DISTRICT.

(A) CM1 zoning district.

- (1) ~~One~~ **On-premises wall signs shall be permitted on each façade of a primary** ~~for each main building; the total copy area of such signs shall not exceed 50 square feet per façade. , not to exceed 50 square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.~~
- (2) One on-premises free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed 32 square feet in area, shall have a maximum height of six feet, and shall be permitted with a five foot setback from the front lot line. Such sign shall not face any residential district 50 feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six feet and may not exceed 50 square feet in total area.

~~(B) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in division (A) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the CM1 district and other development plan procedures.~~

(B) Pre-existing Signs. Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

Amend the Business Districts section of the Permitted Sign District Provisions, §154.17(C) (CM5 Zoning district) as follows:

- (C) **CM5 zoning district.** In the CM5 zoning district only on-premises signs are permitted.
- (1) On-premise wall signs shall be permitted on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall. **Unless attached to a sloping wall or mansard or similar roof, such wall signs shall project not more than 12 inches from the facade of the building. The permitted copy area of all such wall signs per building facade shall be as follows:**
- (a) If the sign(s) is/are located up to 50 feet height above the sidewalk, ~~it~~ **the total copy area shall not exceed 50 square feet per tenant space: in addition, one of the following shall be permitted:**
- (i) If the sign(s) is/are located over 50 feet but less than 100 feet above the sidewalk, ~~it~~ **the total copy area shall not exceed 100 square feet; or**
- (ii) If the sign(s) is/are located over 100 feet above the sidewalk, ~~it~~ **the total copy area shall not exceed 300 square feet.**
- (2) **In addition to the permitted wall signage, blade signs shall be permitted. Blade signs shall only be permitted on the following streets: Clinton Street; Jefferson Boulevard; Lafayette Street; and Washington Boulevard; one (1) sign shall be permitted per street frontage. Blade signs shall:**
- (a) **Extend no more than four feet (4') from the facade of the building, and no more than four feet (4') into a public right-of-way;**
- (b) **Be no less than eighteen feet (18') above grade, at its lowest point;**
- (c) **Not exceed eighty (80) square feet;**
- (d) **Not project above the cornice or roof of the building.**
- (3) **In addition to the permitted wall signage, projecting signs shall be permitted. A maximum of one sign per street frontage shall be permitted per business. Projecting signs shall:**
- (a) **Extend no more than four feet (4') from the facade of the building;**
- (b) **Be no less than eight feet (8') above grade, at its lowest point; and**

- (c) Not exceed twelve (12) square feet.
- (4) In addition to the permitted wall signage, awning signs shall be permitted. The total sign area shall not exceed twenty-five percent (25%) of the area of the outer surface of the awning. Awning signs shall:
 - (a) Be affixed flat to, or painted upon the surface of the awning;
 - (b) Not extend vertically or horizontally beyond the limits of the awning; and
 - (c) Not be internally illuminated.
- (5) In addition to the permitted wall signage, canopy signs shall be permitted. The total sign area shall not exceed fifty percent (50%) of the area of the front and side faces of the canopy. Canopy signs shall:
 - (a) Be permitted to project above the canopy up to twelve inches (12"), provided that the sign does not project above the cornice or roof of the building; and
 - (b) Individual letters on a canopy sign shall be permitted to be internally illuminated.
- (6) In addition to the permitted wall signage, marquee signs shall be permitted. Each face of a marquee shall be allowed to have a sign. Such signs shall be permitted to extend the entire length of the marquee, and shall be permitted to project up to six feet (6') above the roof of the marquee. The sign shall not project above the cornice or roof of the building.
- (7) In addition to the permitted wall signage, window signs shall be permitted. Window signs shall not exceed twenty-five percent (25%) of the window surface area.
- (8) One on-premises ground-mounted freestanding sign shall be permitted per development parcel per street frontage. Such signs may be internally or externally illuminated. Except for directional signs, no freestanding pole signs shall be permitted in the CM5A and CM5B districts. Ground-mounted signs shall:
 - (a) Not exceed eight feet (8') in height;
 - (b) Not exceed fifty (50) square feet in area; the area of the structural supports shall not be included in the calculation of sign area;
 - (c) Be located a minimum of five feet (5') from a property line;
 - (d) Be located out of the clear vision areas, and not block sight lines at entrances.
- (9) See §154.06(K) for residential spacing requirements.

(10) Strings of light bulbs may be used and signs may blink or flash, ~~except for the area covered by the Calhoun Street sign regulations set forth in §§154.75 et seq.~~ **Holiday lighting shall be exempt from the provisions of this section.** Signs having electronically changing copy area shall not exceed the provisions of divisions (C)(1) and (2) above.

~~(6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street sign regulations of §§154.75 et seq. as well as this chapter. In the event of conflict between this subchapter and the said Calhoun Street sign regulations, the Calhoun Street sign provisions will apply.~~

Amend §154.19 (Planned Districts) of the Sign Ordinance by replacing the section as shown:

~~§154.19 PLANNED DISTRICTS.~~

~~The Planned Districts addressed by the zoning code covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include CM1 and SC2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.~~

~~(A) The planned program shall include the following information for each sign:~~

- ~~(1) Size of sign face;~~
- ~~(2) A rendering of each sign type including height;~~
- ~~(3) Lighting; and~~
- ~~(4) Location.~~

~~(B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.~~

§154.19 DEVELOPMENT PLAN SIGNAGE.

(A) Applicability.

These provisions shall apply to signage proposed for a project which requires the approval of a development plan, as set forth in §157.120(C) and §157.120(D); or as further set forth in (C) below.

(B) Master Sign Plan.

The Plan Commission may approve signs not otherwise allowed under this chapter as part of a Master Sign plan. It is intended that this provision apply to requests for an overall sign program of a consistent architectural design for either a larger scale development (such as a large retail or shopping center, industrial park, medical campus, etc.) on a lot, development parcel, or combination of lots/development parcels; for multiple signs as part of an individual development project; or for a

request for a waiver on a site where the Plan Commission has previously approved a development plan. Requests for single signs not otherwise permitted should be submitted to the Board of Zoning Appeals for review and consideration.

Master Sign plans shall be submitted and reviewed according to the same process as a primary development plan as set forth in Chapter 157 of City Code. Unless waived by the Commission's staff as having no bearing on the decision to approve or disapprove the Master Sign plan, the plan shall include a site plan that shows the location of each sign, scalable renderings of each sign or type of sign that indicate the area and height of each sign, and information on the proposed lighting for each sign. Master Sign plans shall be reviewed in accordance with the standards set forth in 157.120(F)(6) of City Code; if the plan requests a waiver or modification of the signage standards, or requests approval of a non-permitted sign, the Master Sign plan shall also be reviewed in accordance with the standards set forth in 157.120(H)(1) of City Code.

(C) Waiver of Sign Standards.

The Plan Commission may waive or modify certain sign design standards as part of its approval of a primary development plan as provided in 157.120(H) of City Code. It is intended that this provision apply to signage waivers or modifications requested in conjunction with a pending development plan request.

Amend the Other Permitted Signs section of the Other Sign Provisions, §154.30(D)(9):

- (D) In any zoning district, the following on-premises signs shall be permitted:

[the rest of this section prior to this point remains the same]

- (9) Information and/or direction signs are not to exceed six square feet in area and three feet in height which direct traffic within a premises or which identify the location of rest rooms, telephone, freight entrances and the like are permitted, **except that such signs shall not exceed 2 square feet in area and 2 1/2 feet in height, and shall be limited to one sign per entry, in the CM5A and CM5B districts.** The sign may include the name of the business or its logo.

Repeal the Calhoun Street Mall subchapter of the Sign Ordinance by removing the following Sections:

§154.75	Purpose; intent
§154.76	Application of provisions
§154.77	Establishment of sign district
§154.78	Definitions
§154.79	Sign classification; design standards
§154.80	Nonconforming signs
§154.81	Certificate of approval required for certain signs;

application

§154.82

[Reserved]

§154.83

Enforcement of provisions

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1220

BILL NO. G-10-09-09

Plat Book: 11
Page No: 79

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE for the purpose of
vacating a portion of a dedicated utility easement.**

WHEREAS, a petition to vacate a portion of a dedicated utility easement within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and;

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of a dedicated utility and surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A four foot wide easement lying South and East of the following described line:

Part of Lots 128, 129, 130, 131, and 132 in Southview Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 11, page 79, more particularly described as follows:

Commencing at the Northwest corner of Lot 128 in Southview Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof; thence East along the North line of Lot 128 a distance of 4.0 feet to the point of beginning; thence East along the North line of Lot 128 a distance of 36.0 feet to the Northeast corner of Lot 128 and Northwest corner of Lot 129; thence South along the East line of Lot 128 and the West line of Lots 129, 130, 131, and 132 a distance of 128.5 to the point of termination, said point being on the North right-of-way line of Paulding Road.

and which vacating allows the portion of dedicated utility and surface drainage easement to revert to the use of the adjacent property owners, is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1219

BILL NO. Z-10-09-08

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. D-03 (Sec. 7 of Wayne Township)**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a CM3 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Southeast Quarter of the Fractional Southwest Quarter of Section 7, Township 30, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northeast corner of the Southeast Quarter of said Fractional Southwest Quarter; thence South 00 degrees 30 minutes East (deed bearing and is used as the basis for the bearings in this description) on and along the East line of said Fractional Southwest Quarter, being within the right-of-way of Getz Road, a distance of 455.0 feet to the Northeast corner of a tract of land acquired for Getz Road right-of-way in Document #77-05742 in the Office of the Recorder of Allen County, Indiana; thence South 81 degrees 48 minutes West, on and along the North line of said right-of-way tract, a distance of 40.36 feet to the Northwest corner thereof, being a point situated 40.0 feet (measured at right angles) West of said East line; thence South 00 degrees 30 minutes East and parallel to said East line, a distance of 171.45 feet, thence South 89 degrees 30 minutes West, a distance of 165.0 feet; thence North 00 degrees 30 minutes West and parallel to said East line, a distance of 330.0 feet; thence South 89 degrees 30 minutes West a distance of 211.43 feet to a point on the Southeasterly line of a 5.16 acre tract heretofore conveyed by Wayne C. Watt and Anna K. Watt, husband and wife, under deed dated October 16, 1950 to Clarence L. Schust and Edith B. Schust; thence North 50 degrees 05 minutes East, on and along the Southeasterly line of said 5.16 acre tract; a distance of 249.6 feet to the most Easterly corner of said 5.16 acre tract; thence North 13 degrees 45 minutes West on and along the Northeasterly line of said 5.16 acre tract, a distance of 150.0 feet to the Northeast corner of said 5.16 acre tract, being a point on the North line of said Southeast Quarter; thence South 89 degrees 54 minutes East, on and along said North line, a distance of 258.0 feet to the point of beginning, containing 3.357 acres of land, subject to easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. D-03 (Sec. 7 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

BILL NO. S-10-09-15

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT: 7286-10 - REINDEER ROAD CONCRETE STREET REPAIRS / WORK ORDER: 12204 between GARCIA CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT: 7286-10 - REINDEER ROAD CONCRETE STREET REPAIRS / WORK ORDER: 12204 by and between GARCIA CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for concrete street repairs from Buckskin to Caribou. Storm lines and drainage structures will also be included within the scope of this project;

involving a total cost of ONE HUNDRED FIFTY-THREE THOUSAND, FIVE HUNDRED SEVENTEEN AND NO/100 DOLLARS - (\$153,517.00).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 24, 2010. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-09-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT: 7278-10 & 7297-10: TACOMA AVENUE, PHASES 2 AND 3: WORK ORDER: 12216 & 12218 between GARCIA CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the CONSTRUCTION CONTRACT: 7278-10 & 7297-10: TACOMA AVENUE, PHASES 2 AND 3: WORK ORDER: 12216 & 12218 by and between GARCIA CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Tacoma Avenue, Phases 2 and 3: reconstruction of curbs, sidewalks, curb ramps and affected drives;

involving a total cost of ONE HUNDRED FORTY-ONE THOUSAND, SIX HUNDRED TWENTY-FOUR AND 50/100 DOLLARS - (\$141,624.50).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 24, 2010. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

