

ORDINANCE 20-1380

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL AMENDING CHAPTER 152 AND CHAPTER 154 OF THE CITY OF WOODBURN, STATE OF INDIANA, ORDINANCE

WHEREAS, the City Council of the City of Woodburn (the “City”), State of Indiana, pursuant to Indiana Code Section 36-7 et. seq., as amended, has authority to plan for and regulate the use and zoning of real property located within its municipal boundaries; and,

WHEREAS, the City Council desires to update the City zoning ordinance by aligning it with Allen County and the City of Fort Wayne zoning ordinances, and

WHEREAS, the Allen County Plan Commission serves as the Plan Commission for the City; and,

WHEREAS, the Allen County Department of Planning Services serves as the Land Use staff for the City; and,

WHEREAS, the Allen County Department of Planning Services staff prepared the amendment titled ZORD-2019-0008 and presented it to the Plan Commission; and,

WHEREAS, the Allen County Plan Commission published the required notice and held a public hearing on this proposed text amendment on the 9th day of January, 2020; and,

WHEREAS, after deliberating, the Plan Commission resolved to recommend that the City:

(1) Amend Chapter 152 of the City of Woodburn Code of Ordinances by adding (Planning and Development); and,

(2) Amend Chapter 154 (Zoning Code) of the City of Woodburn Code of Ordinances [Sections 154.212 through 154.224 (Zoning Districts); Section 154.02 (Site Plan Review); Section 154.404 (Development Design Standards); Section 154.408 (Landscape Standards); and Sections 154.506 (Definitions)];

WHEREAS, the Allen County Plan Commission held a business meeting on the

16th day of January 2020 and took action on the submitted text amendments; and,

WHEREAS, the Allen County Plan Commission, pursuant to I.C. Section 36-7-4-605(a)(2), by a vote of 9-0, certified the proposed text amendments with a DO PASS recommendation to the Woodburn City Council;

NOW THEREFORE, BE IT ORDAINED by the Woodburn City Council that, as the legislative body of the City of Woodburn, Indiana, the City Council concurs with the Plan Commission's recommendation and hereby approves and adopts the replacement of Chapter 152; repeals Chapter 153; and, replaces Chapter 154 of the Woodburn Code of Ordinances, all as attached hereto.

Adopted and Ordained this 3rd day of February, 2020.

< **SIGNATURES ON NEXT PAGE** >

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: Michael Voirol YEA X NAY _____ ABS _____
Michael Voirol, Councilor

By: Michael Martin YEA X NAY _____ ABS _____
Michael Martin, Councilor

By: Tonya Thompson YEA X NAY _____ ABS _____
Tonya Thompson, Councilor

By: Dean Gerig YEA ✓ NAY _____ ABS _____
Dean Gerig, Councilor

By: Daniel Watts YEA X NAY _____ ABS _____
Daniel Watts, Councilor

ATTEST:

By: Timothy Cummins
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved X / not approved () by me on the same date.

By: Joseph Kelsey
Joseph Kelsey, Mayor for the City of Woodburn

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq., and adopts the following resolution.

**Resolution of the
Allen County Plan Commission**

WHEREAS the Allen County Plan Commission directed the staff of the Allen County Department of Planning Services to prepare amendment ZORD-2019-0008 to **Amend (Chapter 154 and 152 of the City of Woodburn Code):** Sections 154.212 through 154.224 (Zoning Districts); Section 154.302 (Site Plan Review); Section 154.404 (Development Design Standards); Section 154.408 (Landscape Standards); and Sections 154.506 (Definitions)] of the Woodburn Zoning Ordinance; and add language to Chapter 152.01 (Title and Adoption); and

WHEREAS the Allen County Department of Planning Services pursued this direction and provided the proposed text to the Allen County Plan Commission; and

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed amendment to the plan in *The Journal Gazette*, according to law; and,


WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed amendment on 9 January 2020; and,

WHEREAS the Allen County Plan Commission considered the amendment in light of the existing comprehensive plan, community needs and desires; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, to send a DO PASS recommendation to the Woodburn City Council regarding the proposed amendment to Chapters 152 and 154 of the Woodburn Zoning Ordinance;

BE IT FURTHER RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Woodburn City Council.

ADOPTED THIS 16th day of January 2020.



Kimberly R. Bowman, AICP
Executive Director, ACDPS
Secretary to the Allen County Plan Commission



Date of Signature

FACT SHEET

Petition #ZORD-2019-0008

Project Start: December 2019

APPLICANT:	Allen County Plan Commission
REQUEST:	Amend Chapter 154 and 152 of the City of Woodburn Code – Landscape Standards
AFFECTED AREA:	City of Woodburn

9 January 2020 Public Hearing

- No one spoke at the public hearing with concerns.
- James Wolffe was absent.

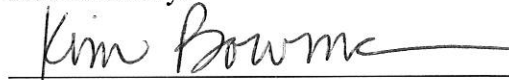
16 January 2020 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Tom Harris and seconded by Renee Fishering to return the ordinance to the City of Woodburn for their final decision.
- Richard Beck, Jeff Sorg and James Wolff were absent.
- **6-0 MOTION PASSED**

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
January 27, 2020

Reviewed By:



Kimberly R. Bowman, Executive Director
Secretary to the Commission

PROJECT SUMMARY

The public hearing was held for the next part of the ongoing ordinance update and alignment project. This project began in April of 2009 with the Joint Land Use Governing Board recommendation to the Plan Commissions that initiated the project.

The fourth part of the project involved the completion and adoption of the replacement zoning ordinances. The replacement ordinances for the City of Fort Wayne and Allen County were approved in late 2013 and were effective as of April 4, 2014. The City of Woodburn zoning ordinance was also updated and aligned in 2018 with an effective date of March 3, 2018.

For this amendment, DPS staff identified the first substantive area that staff felt needed to be updated – the Landscape Standards. This set of amendments is proposed to improve the landscape plan review and approval process by:

- 1) Clarifying the landscape standards language;
- 2) Simplifying/reducing the number of landscape codes;
- 3) Aligning the development, landscape, and residential impact mitigation standards;
- 4) Addressing the other landscape standards issues, and related issues that have been identified since 2014; and
- 5) Aligning the Woodburn landscape standards with the previously updated County and Fort Wayne ordinances.

A summary of the proposed amendments follows (in Plan Commission packet); staff will be presenting an overview of the proposed amendments at the public hearing. The Town of Huntertown ordinance will be amended at the same time. Allen County and Fort Wayne ordinances have previously been amended. The effective date is proposed to be April 8, 2020.

PUBLIC HEARING SUMMARY:

Presenter: Sarah Jones, Special Projects Planner, presented the request as outlined above.

Public Comments:

None