

## **ORDINANCE 23-1416**

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

**WHEREAS**, the City Council of the City of Woodburn, State of Indiana, pursuant to Indiana Code § 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 the Allen County and 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 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 15<sup>th</sup> day of June 2023; and,

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

**(1) Amend Chapter 154 (Zoning Code) of the City of Woodburn Code of Ordinances** (Sections 154.203 through 154.224 (Zoning Districts); Section 301 (Development Plans); Section 154.302 (Site Plan Review); Section 154.303 (Subdivision Control); Section 154.402 (Accessory Structures and Uses); Section 154.403 (Temporary Buildings, Structures and Uses); Section 154.404 (Development Design Standards); Section 154.407 (Parking); Section 154.503 (Procedures); and Section 154.506 (Definitions);

**(2) WHEREAS** the Allen County Plan Commission held a business meeting on the 29<sup>th</sup> day of June 2023, and took action on the submitted text amendments; and,

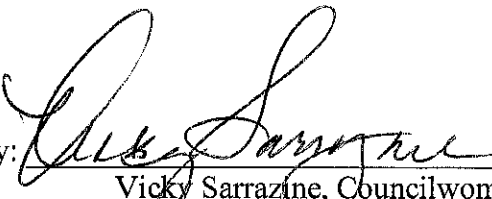
**WHEREAS** the Allen County Plan Commission, pursuant to I.C. § 36-7-4-605(a)(2) certified the proposed text amendments with a DO PASS recommendation to the Woodburn City Council;

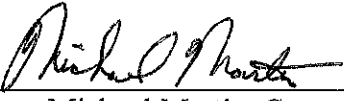
**THEREFORE, BE IT ORDAINED** by the City Council, the legislative body of the City of Woodburn, Indiana that the City Council concurs with the Plan Commission's recommendation and hereby approves and adopts the amendments of Chapter 154 to the Woodburn Code of Ordinances, all as attached hereto.

Adopted and Ordained this 17<sup>TH</sup> day of July, 2023.

**<SIGNATURES ON THE NEXT PAGE>**


**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By:  YEA  NAY  ABS   
Vicky Sarrazine, Councilwoman


By:  YEA  NAY  ABS   
Michael Martin, Councilman

By: ABSENT YEA  NAY  ABS   
Tonya Thompson, Councilwoman

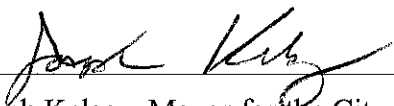
By:  YEA  NAY  ABS   
Dean Gerig, Councilman

By:  YEA  NAY  ABS   
Daniel Watts, Councilman

ATTEST:

By:   
Timothy Cummins, Clerk-Treasurer

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

By:   
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  
Certifying a Proposal for an Amendment of the Woodburn Zoning Ordinance**

**WHEREAS** the Allen County Plan Commission initiated a proposal for the amendment of the Woodburn Zoning Ordinance to amend Sections 154.203 through 154.224 (Zoning Districts); Section 154.301 (Development Plans); Section 154.302 (Site Plan Review); Section 154.303 (Subdivision Control); Section 154.402 (Accessory Structures and Uses); Section 154.403 (Temporary Buildings, Structures and Uses); Section 154.404 (Development Design Standards); Section 154.407 (Parking); Section 154.503 (Procedures); and Section 154.506 (Definitions); and

**WHEREAS** the Allen County Plan Commission prepared the proposal so that it was consistent with Ind. Code § 36-7-4-601; and

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

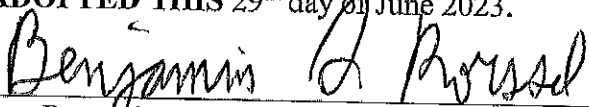
**WHEREAS** the Allen County Plan Commission conducted a public hearing on the proposed amendment on 15 June 2023; and

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

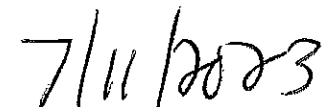
**BE IT RESOLVED** by the Allen County Plan Commission, meeting in open session, to send a DO PASS recommendation to the Woodburn City Council regarding the proposed amendment to Sections 154.203 through 154.224 (Zoning Districts); Section 154.301 (Development Plans); Section 154.302 (Site Plan Review); Section 154.303 (Subdivision Control); Section 154.402 (Accessory Structures and Uses); Section 154.403 (Temporary Buildings, Structures and Uses); Section 154.404 (Development Design Standards); Section 154.407 (Parking); Section 154.503 (Procedures); and Section 154.506 (Definitions); and

**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** 29<sup>th</sup> day of June 2023.

  
Ben Roussel

Executive Director, AC DPS  
Secretary to the Allen County Plan Commission

  
Date of Signature

# ALLEN COUNTY PLAN COMMISSION • FINDINGS OF FACT

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## ZORD-2023-0001

### Amendment to the Woodburn Zoning Ordinance

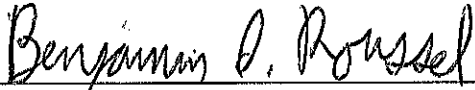
APPLICANT: Allen County Plan Commission  
REQUEST: To adopt an amendment to the Woodburn Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:  
Section 154.203 through 154.224 (Zoning Districts)  
Section 154.301 (Development Plans)  
Section 154.302 (Site Plan Review)  
Section 154.303 (Subdivision Control)  
Section 154.402 (Accessory Structures and Uses)  
Section 154.403 (Temporary Buildings, Structures and Uses)  
Section 154.404 (Development Design Standards)  
Section 154.407 (Parking)  
Section 154.503 (Procedures)  
Section 154.506 (Definitions)

AFFECTED AREA: Woodburn planning jurisdiction

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**The Plan Commission recommends that Zoning Ordinance Amendment ZORD-2023-0001 be returned to the City Council of the City of Woodburn with a “Do Pass” recommendation.**

These findings approved by the Allen County Plan Commission on June 29, 2023.



Benjamin J. Roussel  
Executive Director  
Secretary to the Commission

## 2023 Woodburn Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the Woodburn Ordinance (4/8/2020); and
- 3) Aligning the Woodburn ordinance with the previously updated County and Fort Wayne ordinance technical amendments.

A summary of the proposed 2023 technical amendments is below; the proposed effective date is September 1, 2023.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference Page #</b>	<b>Issue</b>	<b>Proposed Amendments</b>
ACC1	Accessory Buildings, Structures and Uses Pg. 20 et al	There is an issue with the existing integrated accessory dwelling unit language.	Update the language to "(1) If integrated into <del>an existing</del> single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet."
DS1	Development Standards Pg. 21 et al	A question has come up as to what the minimum lot width at front lot line should be.	Remove 25' at front lot line standard from Lot Width from the applicable residential districts (AR, R1, R2, R3 and MHS).
DS2	Development Standards - Single Family Residence Pg. 21 et al	The current residential district development standards tables include a minimum Building Size square footage for Single Family Dwellings of 950 square feet.  The tables refer to single family residence, while the definition refers to "dwelling, single family (detached)" and the permitted use refers to "single family dwelling (detached)".	Revise the residential development standards tables to change the minimum "building size" from "950" square feet to "700" square feet.  Revise the tables to refer to "single family dwelling" (in the AR, R1, R2, R3, MHS, and MHP districts).
DS3	Development Standards Accessory Structures Pg. 21	There is a conflict with existing language in the AR Development Standards table stating an accessory building shall also be permitted as a primary building on lots over five (5) acres. This is a special use in the AR district.	Delete: "; plus: On lots of over five (5) acres, an accessory building shall also be permitted, as the primary building" from the development standards table.
DS6	Flag Lot Pg. 21 et al	It is unclear how to determine the front yard setback for parcels which are flag lots.	Add a front yard standard for flag lots: "30' Flag lots shall have two (2) required front yards (see definition of lot line, front)"
YP1	Yard Projection Tables Pg. 23 et al	There is an issue with how stoops are treated for projection purposes.	The "Additional Yard Location and Yard Projection Standards" tables were amended to state where stoops shall be permitted to project in front, rear, and side yards.

**Draft Summary of Amendments**

No.	Keyword/Reference Page #	Issue	Proposed Amendments
DS4	Lot Area and Lot Width Standards Pg. 34	There is an issue with the current lot area and width requirements for attached single family lots.	Add a provision to the R2 and R3 district development standards tables allowing attached single family lots to be a minimum of 25 feet wide and 3,000 square feet in area for interior lots, and a minimum of 50 feet wide and 6,000 square feet in area for corner lots.
PUR1	Purpose Statements Pg. 37	The issue is there are regulatory standards in the R3 zoning district purpose statements.	Remove "Certain additional professional office and commercial uses may also be permitted, if approved by the Board of Zoning Appeals (see §154.503(D)(1)). Multiple family complexes and projects with multiple lots or development sites, or multiple primary buildings on a single development site (including multiple single family detached dwellings) shall require the review and approval of a Development Plan (see §154.301)."
DS6	Development Standards (Recreation Space) Pg. 42	There are recreation space standards in the R3 districts	Remove the R3 Multiple family complex building and Manufactured home park recreation space requirement.
PU2	Permitted Use Categories Pg. 55 et al	The current use categories cause confusion and conflicts with the permitted use tables	Delete use categories in C and I districts. Update or delete category definitions relative to parking requirements and special use provisions as necessary.
PU3	Setbacks for multiple family buildings (reference the R3 standards) Pg. 55	Multiple family developments are permitted in most of the nonresidential zoning districts, but the multiple family standards are only in the R3 districts. It is not clear how the multiple family standards are applicable in a nonresidential district.	Add provisions to the permitted use tables in the applicable nonresidential district standards to state that the perimeter setback and building separations standards for multiple family complexes shall apply in the nonresidential districts by adding a note (see below) to the Multiple family complex, Multiple family dwelling, and Townhouse complex permitted uses.  Note: See multiple family building and complex perimeter setback and building separation requirements in R3 district (154.208(E)(1)).
PU4	Permitted Uses (Micro winery, brewery, distillery) Pg. 55 et al	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for micro distillery to clarify amount permitted; include 'wine (mead, cider, etc.)' in the micro-brewery definition. As a part of this, the definition of Micro Winery will be removed from the permitted use and special use lists within the districts.
PU5	Permitted uses (C2, NC, SC) Pg. 61 et al	The issue of whether an outdoor concert would be a permitted use in the NC or SC districts has been raised.	Add "(indoor)" to the entertainment facility permitted use in the C2, NC. Add "(including outdoor)" to the SC district.
PU6	Permitted Uses – Gas Stations Pg. 78 et al	The location of the residential impact mitigation standards causes confusion.	Incorporate the existing residential impact mitigation standard for gas station canopies by adding to the Gas station permitted uses – add a note to the SC, C3, C4, and I3 districts: "No gas station canopy shall be located between the primary building and a residential district"

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference Page #</b>	<b>Issue</b>	<b>Proposed Amendments</b>
PU7	Permitted Uses and Special Uses (I2 and I3) Pg. 115 and 123	There are questions about the current animal slaughter house and animal processing provisions	Add "(includes skins, hides, or reduction of animal matter)" to the Animal Products line of "Processing Facility" to the I2 and I3 districts.  Add Animal Slaughter House (Indoor) as a permitted use to the I2 district, and also add Animal Slaughter House (outdoor) as a special use in the I2 district. Add Animal Slaughter House to the I3 district.
DPI	Development Plan Table Pg. 129	The multiple buildings and phased construction development plan table language is not clear	154.301(B)(1) Change the second row language to: "Projects proposing more than one new primary building on a single lot or development site" and change the third row language to: "Projects proposing the phased construction of infrastructure or streets"
SPR1	Site Plan Review - Approval Pg. 138	The validity of a site plan review ILP application is not the same as a non-site plan review ILP application	Change validity of site plan review ILP application to six months (instead of 12) in 154.302(G)(5)(a).  Add: "If the applicant has not requested an extension, DPS staff may void the application": to 154.302(G)(5)(a) and (b).
SC1	Subdivision Control Exempt Divisions of Land Pg. 142	Cityscape Flats sold off individual units after final approval, revise the exempt divisions of land language to allow this for projects that have been approved through the development plan process.	Revise to: (ii) The conveyance of land located within a Development Plan that has been approved by the Commission, including projects where: [A] The Commission has granted secondary approval; and [B] Improvement Location Permits and Certificates of Compliance have been issued for the entire development.
AUI	Accessory Structures and Uses Pg. 158	There is a question about the use of "or as otherwise approved by the Plan Commission"	Delete the phrase "or as otherwise approved by the Plan Commission" from 154.402(B)(4)(a)(iii)

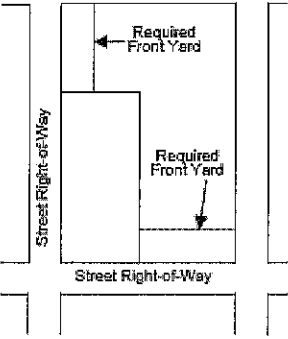
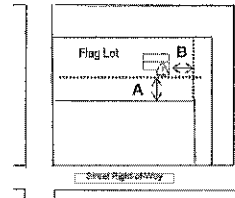


**Draft Summary of Amendments**

No.	Keyword/Reference Page #	Issue	Proposed Amendments
TEMP1	Temporary Building, Structures and Uses Pg. 162	The Building Department and Fire Department and DPS have different standards for temporary tents.	Align the standards by changing the Temporary Special Event timeframe to thirty (30) days and adding “public rights-of-way” to the provisions, and revising the Temporary Tent language as shown below:  (1) In <b>residential districts</b> a tent may be placed on a lot up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event;  (2) In <b>nonresidential districts</b> , a tent may be placed on a lot up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event.
DDS1	Development Design Standard applicability Pg. 163	There is an issue with the applicability checklist having incorrect checkmarks.	The lists were reviewed, aligned and marked correctly as needed with the appropriate checkmarks.
DDS3	Development Design Standards -- Access Pg. 164	There has been a concern raised regarding the number of lots permitted per one entrance to a subdivision.	Change standard from “every one hundred fifty (150) residential lots” to: “every two hundred (200) residential lots”
DDS8	Residential Impact Mitigation Pg. 167	The location of the residential impact mitigation standards causes confusion.	Removed “No gas station or convenience store canopy shall be located between the primary structure and any lot line with a protected district” from 3-4-4-15(b)(2) and 154.404(O)(2)(b) – this standard was incorporated into the applicable districts
PARK1	Parking exclusion Pg. 178	There have been issues with parking for cemeteries	Add cemetery to the Minimum Off-Street Parking Requirements exclusions
PRO1	Procedures - ILP Pg. 253	There is an issue with prohibiting ornamental fences over a platted front building line	Remove the words “or rear” and add the words "except ornamental fences" to the Improvement Location Permit General Provisions b
PRO2	Procedures - ILP Pg. 253	There is an issue with prohibiting open decks, open porches, or stoops over a platted front building line	Add the words "and open decks, open porches, or stoops" to the Improvement Location Permit General Provisions b
PRO3	Procedures - ILP Pg. 254	There is an issue with how stoops are treated for permitting purposes.	To make it clear that stoops shall not require an improvement location permit, stoop has been added to the “Improvement Location Permit Exclusions” table.
PRO4	Procedures - Special Uses Table Pg. 259	There is an issue with the Special Uses tables not being in alignment with the listed special uses throughout the zoning districts.	The Special Use tables have been updated and aligned as a part of the removal of the permitted use categories.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference Page #</b>	<b>Issue</b>	<b>Proposed Amendments</b>
DEF1	Accessory Use Pg. 284	There have been issues with people proposing “accessory uses” to existing nonresidential uses which are not permitted primary uses (e.g. automobile washing facilities)	Add to definition of accessory use: 5. is a permitted use in the applicable zoning district.
DEF3	Brewery (Micro) Pg. 292	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for Brewery (Micro) to include “mead” in the micro-brewery definition, and also add: A micro winery or similar use shall also be included under this definition.”
DEF4	Child Care Home Pg. 296	There is an issue with the definition of Child Care Home in that it does not say that the provider whose primary residence the home is, is the person who holds the state license	Revise the definition of Child Care Home to: A residential building in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) receive child care from a licensed child care provider; the child care provider shall live on the property.
DEF5	Club, Private Pg. 297	It is not clear that a sexually oriented business is not intended to be permitted as a private club.	Add “Any use that meets the definition of “sexually oriented business” shall not be considered a Private Club.” to the definition of Private Club
DEF6	Distillery, Micro Pg. 302	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for micro distillery to clarify amount permitted - add: “Annual production will typically not exceed 10,000 barrels per year.”
DEF7	Dwelling, Two Family Pg. 304	There is an issue with the 950 square foot development standard in the definition of Dwelling, Two Family.	Revise the 950 square foot standard to 700 square feet in the definition.
DEF8	Home business Pg. 312	The definition of Home Business does not include the word “instruction”.	In the last sentence in the definition, add "instruction" so it reads "instruction/teaching/tutoring/music lessons."
DEF9	Home workshop Pg. 313	There has been an issue with allowing certain contracting businesses as home workshops, such as: roofing, snow removal and landscaping.	Remove “contracting” from the definition of Home Workshop.
DEF10	Homeless/Emergency Shelter Pg. 313	It is not clear what the difference between a homeless shelter and an emergency shelter is.	The definition of Homeless/Emergency Shelter was separated to create a definition for Homeless Shelter and Emergency Shelter. Also, updated and revised all references to Homeless shelter throughout ordinance.

**Draft Summary of Amendments**

No.	Keyword/Reference Page #	Issue	Proposed Amendments
DEF12	Lot, Corner Pg. 317	The ordinance is not clear as to how to deal with L shaped lots that have frontage on two different streets.	<p>Revise Lot, Corner to: A lot at the junction of an abutting two or more intersecting streets, or a lot that borders the corner lot that has frontage on the same two streets.</p>  <p align="center"><b>Irregularly Shaped Lot with Frontage On Two Streets</b></p>
DEF13	Lot Line, Front Pg. 318	It is unclear how to determine the front yard setback for parcels which are flag lots.	<p>Revise the definition of Lot Line, Front as follows: <b>replace</b> - “For flag lots, the front lot line shall be the lot line which is roughly parallel with the street.” With - “Flag lots or lots that do not have frontage on a street shall have two (2) required front yards; one as measured roughly parallel with the street, and one as measured roughly parallel with the closest internal lot line as shown below.”</p>  <p align="center"><b>Flag Lot Yard Measurements</b></p> <ul style="list-style-type: none"> <li>A. Required front yard setback from lot line measured "roughly parallel with the street"</li> <li>B. Required front yard setback measured "roughly parallel with the closest internal lot line"</li> </ul>
DEF14	Manufactured Home Type II Pg. 320	There is an issue with the 950 square foot development standard in the definition of Manufactured Home Type II.	Change the Manufactured Home Type II definition square footage standard from 950 to 700.
DEF15	Medical Facility or Office Pg. 321	Several non-medical office uses are included under the definition of Medical Office.	<p>Revise the definition of “Medical Facility or Office” to “Medical Office”; remove hospice care center, health center, hospital, nursing home, laboratory and treatment center from the definition of “Medical Office”.</p> <p>The “Health Center” permitted use has been removed.</p>

**Draft Summary of Amendments**

<b>No.</b>	<b>Keyword/Reference Page #</b>	<b>Issue</b>	<b>Proposed Amendments</b>
DEF	Rehabilitation Facility Pg. 331	There is confusion over where a detoxification facility is permitted.	Add “This use includes a detoxification facility.” to this definition.
DEF17	Stoop Pg. 345	There is currently no definition of the term stoop.	A definition of stoop has been added to the definitions.
DEF16	Substantial Change Pg. 347	There is confusion over the application of the term “substantial change” relative to BZA requests	Add “For the purposes of Board of Zoning Appeals reconsideration of a request, the term shall include a change in the use that was previously denied.”