

FORT WAYNE ZONING ORDINANCE

Chapter 153 – Planning and Development.....	5
Comprehensive Plan.....	5
§ 153.01 Title and Adoption	5
§ 153.02 Guidance and Consideration	5
§ 153.03 Amendments.....	5
§ 153.04 Copy on File	7
Transportation Plan	9
§ 153.31 Title and Adoption	9
§ 153.32 Guidance and Consideration	9
§ 153.33 Copy on File	9
Chapter 157 – Zoning Ordinance	2
General Provisions	2
§ 157.101 Title	2
§ 157.102 Authority	2
§ 157.103 Effective Date.....	2
§ 157.104 Purpose	2
§ 157.105 Jurisdiction	2
§ 157.106 Annexation	2
§ 157.107 Applicability	2
§ 157.108 Compliance.....	3
§ 157.109 Design Standards.....	3
§ 157.110 Graphics, Headings, and Illustrations.....	3
§ 157.111 Interpretation	3
§ 157.112 Minimum Requirements.....	3
§ 157.113 Overlay Districts	3
§ 157.114 Relation to Plans.....	4
§ 157.115 Relation to Other Laws and Regulations.....	4
§ 157.116 Saving Provision	4
§ 157.117 Severability.....	4
§ 157.118 Similar Uses Permitted.....	4
§ 157.119 State Statute Amendment	4
§ 157.120 Subdividing Land	4
§ 157.121 Transitional Provisions and Vested Rights	5
§ 157.122 Zoning District Designation Conversions	8

FORT WAYNE ZONING ORDINANCE

Zoning Districts.....	9
§ 157.201 General Zoning District Provisions	9
§ 157.202 Permitted Uses.	11
§ 157.203 AR Low Intensity Residential	13
§ 157.204 Reserved.....	20
§ 157.205 Reserved.....	20
§ 157.206 R1 Single Family Residential.....	21
§ 157.207 R2 Two Family Residential.....	27
§ 157.208 R3 Multiple Family Residential	33
§ 157.209 RP Planned Residential	40
§ 157.210 MHS Manufactured Home Subdivision	49
§ 157.211 MHP Manufactured Home Park.....	55
§ 157.212 C1 Professional Office and Personal Services	59
§ 157.213 C2 Limited Commercial	65
§ 157.214 NC Neighborhood Center.....	73
§ 157.215 SC Shopping Center	81
§ 157.216 C3 General Commercial	88
§ 157.217 C4 Intensive Commercial.....	97
§ 157.218 DC Downtown Core.....	105
§ 157.219 DE Downtown Edge	113
§ 157.220 UC Urban Corridor	123
§ 157.221 BTI Business, Technology, and Industrial Park	131
§ 157.222 I1 Limited Industrial	137
§ 157.223 I2 General Industrial	143
§ 157.224 I3 Intensive Industrial	149
Development Processes and Standards	155
§ 157.301 Development Plans.....	155
§ 157.302 Site Plan Review	163
§ 157.303 Subdivision Control.....	167

FORT WAYNE ZONING ORDINANCE

Additional General Standards	181
§ 157.401 Purpose	181
§ 157.402 Accessory Structures and Uses.....	183
§ 157.403 Temporary Structures and Uses	189
§ 157.404 Development Design Standards	191
§ 157.405 Development Standards Waivers and Exceptions	209
§ 157.406 Home Occupations	211
§ 157.407 Parking	213
§ 157.408 Landscape Standards	219
§ 157.409 Signs	237
§ 157.410 Reserved	258
§ 157.411 Airport Overlay Districts.....	259
§ 157.412 Floodplain.....	271
§ 157.413 Historic Preservation	291
Administration.....	293
§ 157.501 Purpose	293
§ 157.502 Planning and Zoning Bodies	293
§ 157.503 Procedures	297
§ 157.504 Nonconforming Situations	321
§ 157.505 Enforcement	327
§ 157.506 Definitions.....	333

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

CHAPTER 153 – PLANNING AND DEVELOPMENT

COMPREHENSIVE PLAN

§ 153.01 TITLE AND ADOPTION

The **Comprehensive Plan** for the **City** of Fort Wayne shall be formally known as "The **Comprehensive Plan** for the **City** of Fort Wayne and Allen **County**" (Plan-It Allen); it may also be cited and referred to as the "Fort Wayne **Comprehensive Plan**" or the "**Comprehensive Plan**". The **Comprehensive Plan**, containing goals, objectives, strategies, guiding principles, maps, figures, and charts for Community Facilities, Community Identity and Appearance, Economic Development, Environmental Stewardship, Housing and Neighborhoods, Land **Use**, Transportation, and Utilities, was adopted by the Fort Wayne Common Council on March 27, 2007, and approved by the Mayor on March 28, 2007.

§ 153.02 GUIDANCE AND CONSIDERATION

The Common Council of the **City** of Fort Wayne and each governmental entity within the **planning jurisdiction** of the Fort Wayne **Plan Commission** shall be guided by and give consideration to the general policy and pattern of **development** set out in the **Comprehensive Plan** and to other land **use** policies adopted in this subchapter, including the:

- (A) Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;
- (B) Authorization, construction, **development**, alteration, or abandonment of public ways, public places, public lands, public **buildings** and **structures**, or public utilities;
- (C) Objectives and policies for future land **use development**; and
- (D) Adoption, amendment, or repeal of zoning ordinances, (including zoning maps), **subdivision** control ordinances, historic preservation ordinances, and other land **use** ordinances.

§ 153.03 AMENDMENTS

Amendments to the **Comprehensive Plan** shall be prepared and approved according to the procedures set forth in IC 36-7-4-500 (the 500 series – **Comprehensive Plan**). The following plans and policies have previously been adopted as amendments to the **Comprehensive Plan**:

- (A) *Bike Fort Wayne Plan*. The **Comprehensive Plan** (Plan-It Allen) is amended by Resolution No. R-20-10 by adding the goals and policies of "Bike Fort Wayne: A Plan to Enhance Transportation Options" as set forth in that plan.
- (B) *Downtown Action Plan*. The **Comprehensive Plan** for the **City** is amended by adding the "Downtown Fort Wayne Action Plan".
- (C) *Front Door Fort Wayne Plan*. The **Comprehensive Plan** (Plan-It Allen) is amended by adding the goals and objectives of the "Front Door Fort Wayne Plan" as set forth in that plan.
- (D) *Frontage Road Amendment*. The **Comprehensive Plan** for the **City**, adopted May 11, 1982, is amended by adding the **Frontage** Road Amendment, dated September 26, 1988, which is incorporated by reference and made a part of this section.
- (E) *City of Fort Wayne Housing Strategy Goals*. The **Comprehensive Plan** for the **City** is amended by adding the goals of the **City** of Fort Wayne Housing Strategy, as set forth below:

FORT WAYNE ZONING ORDINANCE

- (1) Reintroduce planning as a central basis for activity at all scales within the **City** and **county**;
 - (2) Improve the image and marketability of all of the **City's** neighborhoods;
 - (3) Create a transparent coordinated process for **City** program and service delivery;
 - (4) Enhance the lending and financing environment;
 - (5) Foster a proactive **development** environment;
 - (6) Adopt value-added property management approaches;
 - (7) Support and expand C.D.C. capacity; and
 - (8) Facilitate more housing choice for low-income families.
- (F) *Southwest Sector Amendment.* The **Comprehensive Plan** of the **City** dated May 11, 1982, is amended by adding the Southwest Sector Amendment, April 21, 1986, which is hereby incorporated by reference and made a part of this section and shall be in full force and effect from and after its passage and approval by the Mayor and due publication.
- (G) *Walk Fort Wayne Plan.* The **Comprehensive Plan** (Plan-It Allen) is amended by adding the goals and policies of the "Walk Fort Wayne Plan" as set forth in that plan.
- (H) Area, Sub-Area, and Neighborhood Plans
- (1) *Around the Square Sub-Area Plan.* The **Comprehensive Plan** (Plan-it Allen) is amended by adding the Strategic Development Map and goals and policies of the "Around the Square Sub-Area Plan" as set forth in that plan.
 - (2) *Bloomingtondale/Spy Run Neighborhood Plan.* The **Comprehensive Plan** for the **City** is amended by adding the goals and policies of the "Bloomingtondale/Spy Run Neighborhood Plan" as set forth in that plan.
 - (3) *East Park Planning Alliance (EPPA) East Central Neighborhood Plan.* The **Comprehensive Plan** for the **City** is amended by adding the goals and policies of the "East Park Planning Alliance (EPPA) East Central Neighborhood Plan" as set forth in that plan.
 - (4) *Memorial Park Community Development Area Plan.* The **Comprehensive Plan** (Plan-it Allen) is amended by adding the goals and policies of the "Memorial Park Neighborhood Plan" as set forth in that plan.
 - (5) *Nebraska Neighborhood Community Development Plan.* The **Comprehensive Plan** (Plan-It Allen) is amended by Resolution No. R-9-10 by adding the goals and policies of the "Nebraska Neighborhood Development Area Plan", as set forth in that plan.
 - (6) *Northside Neighborhood Community Development Area Plan (CDAP).* The **Comprehensive Plan** for the **City** is amended by adding the goals and policies of the "Northside Neighborhood Plan", as set forth in that plan.
 - (7) *Packard Area Planning Alliance (PAPA) Plan.* The **Comprehensive Plan** for the **City** is amended by adding the goals and policies of the "Packard Area Planning Alliance (PAPA) Plan" as set forth in that plan.
 - (8) *Southeast Area Development Strategy.* The **Comprehensive Plan** is amended by adding the Strategic Development Map and Land Use Policies of the "Southeast Area Development Strategy" as set forth in that strategy.

FORT WAYNE ZONING ORDINANCE

- (9) *West Central Plan*. The **Comprehensive Plan** for the **City** is amended by adding the goals and policies of the "West Central Plan" as set forth in that plan.

§ 153.04 COPY ON FILE

A copy of the approved **Comprehensive Plan**, including all maps and amendments, shall be placed and kept on file in the office of the Allen **County Recorder**. A copy of the approved Plan shall also be placed and kept on file in the office of the **Department of Planning Services** and the Division of Community Development and shall be available for public examination during the regular business hours of said offices.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

TRANSPORTATION PLAN

§ 153.31 TITLE AND ADOPTION

A Transportation Plan, prepared by the Northeastern Indiana Regional Coordinating Council and adopted by the Fort Wayne Common Council, shall be considered the Transportation Plan for the **City** of Fort Wayne. It may be cited and referred to as the “Transportation Plan”.

§ 153.32 GUIDANCE AND CONSIDERATION

The Fort Wayne Common Council and other governmental entities within the jurisdiction of the Fort Wayne **Plan Commission** shall pay reasonable regard to the general policies, objectives, and proposed highway, transit, and pedestrian/bicycle systems improvement projects set forth in the Transportation Plan as part of the review and approval of proposed projects; the authorization, construction, **development**, and improvement of **public streets** and roadways; the abandonment of public ways; and other matters relevant to the Transportation Plan.

§ 153.33 COPY ON FILE

A copy of the approved Transportation Plan shall be kept on file in the office of the **City** Clerk. A copy of the Transportation Plan shall also be placed and kept on file in the office of the **Department of Planning Services** and in the office of the Northeastern Indiana Regional Coordinating Council (NIRCC). The Transportation Plan shall be available for public examination during the regular business hours of said offices.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

CHAPTER 157 – ZONING ORDINANCE

GENERAL PROVISIONS

§ 157.101 TITLE

This ordinance shall be formally known as the “Fort Wayne Zoning Ordinance”; the Fort Wayne Zoning Ordinance may also be cited and referred to as the “Zoning Ordinance” or “ordinance”.

§ 157.102 AUTHORITY

This ordinance is adopted by the **City** of Fort Wayne pursuant to its authority under the laws of the State of Indiana, including the 600 Series of Indiana Code (IC 36-7-4-600).

§ 157.103 EFFECTIVE DATE

This ordinance and any subsequent amendments shall be in full force and effect as of the designated effective date noted in the ordinance adopted by the Fort Wayne Common Council; if there is no designated effective date, the ordinance shall be in effect as of the date of the Mayor’s approval.

§ 157.104 PURPOSE

The purpose of this ordinance is to promote carefully planned, orderly growth and **development** and the efficient **use** of land resources within the **City** and the **City’s planning jurisdiction**, and to carry out the land **use** objectives and strategies of the **Comprehensive Plan**, and in doing so to:

- (A) Carry out the purposes of IC 36-7-4-201(b) and the IC 36-7-4-600 Series, including, but not limited to the following:
- (1) Promote the health, safety, convenience, and welfare of the citizens of the community;
 - (2) Secure adequate light, air, and convenience of access;
 - (3) Provide safety from fire, **flood**, and other danger;
 - (4) Reduce or avoid congestion and provide for the safe and efficient movement of vehicles and pedestrians along public ways;
 - (5) Encourage that the growth of the community is commensurate with and promotive of the efficient and economical **use** of public funds;
 - (6) Set forth the **uses** permitted in the **City’s** residential, commercial, and industrial **districts**; and establish other permitted and prohibited land **uses**;
 - (7) Establish **uses** that the **Board of Zoning Appeals** may permit as **contingent uses** and **special uses**, along with the **zoning districts** where **special uses** will be allowed;
 - (8) Regulate both the **use** and the intensity of **use** of land for commercial, community, industrial, institutional, residential, and other purposes and activities;
 - (9) Establish minimum standards for **lot** areas and sizes, **yard** requirements, and **residential building** sizes;
 - (10) Establish maximum **building** and **structure** heights;
 - (11) Establish standards for accessory construction such as **fences, garages, sheds, swimming pools**, and similar **buildings, structures** and **uses**; and

FORT WAYNE ZONING ORDINANCE

- (12) Provide consistent **subdivision** control provisions, standards, and policies;
- (B) Provide for the enforcement of this ordinance, including recourse for **violations** and other noncompliance with these provisions; and
- (C) Define terms used in this chapter.

§ 157.105 JURISDICTION

This ordinance shall apply to all land within the **planning jurisdiction** of the **City** of Fort Wayne. A map showing the boundaries of the **City's planning jurisdiction** shall be available for public inspection in the office of the **Department of Planning Services**. This ordinance does not revoke any previously-granted extra-territorial **planning jurisdiction**. Any requests for Fort Wayne to exercise jurisdiction over any part of the unincorporated area beyond the Fort Wayne corporate limits shall be prepared and considered as set forth in IC 36-7-4-205(e). DPS staff shall maintain a map showing all areas of extra-territorial jurisdiction.

§ 157.106 ANNEXATION

Upon annexation, the Allen **County zoning districts** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding Fort Wayne **zoning district** based on **district** conversions in § 157.201(E). **Uses** that were legal at the time of annexation shall be considered **nonconforming uses**. Any application previously approved by the **County Board of Zoning Appeals** subject to a renewal of the approval or a report on the status of the approval may have the approval renewed or the status of the approval reviewed by action of the Fort Wayne **Board of Zoning Appeals** based on the criteria used for the original approval, upon the giving of notice and the holding of a public hearing by the **Board** for a period of up to three years from the effective date of this ordinance.

§ 157.107 APPLICABILITY

Except as noted below, this ordinance shall be applicable to all **structures**, land, and **uses** on property located within the **planning jurisdiction** of the **City** of Fort Wayne, including private **primary uses** on otherwise-exempt property. Any applicant or property **owner** who feels that their property or proposed **building, structure or use** is expressly exempted from this ordinance (as in the case of express field implied pre-emption, or pre-emption under IC 36-7-4-1104 (b)) shall be required to furnish documentation supporting such an exemption. A project that may otherwise be deemed exempt may be voluntarily submitted for review. Projects or properties which are exempt within Fort Wayne's **planning jurisdiction** shall not automatically be exempt outside of Fort Wayne's **planning jurisdiction**.

However, this ordinance does not apply to, and does not regulate or restrict, the **City's** public **use** of any **lot or parcel** within the **Commission's planning jurisdiction** that is owned and occupied for **City** purposes by the Mayor, Common Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers established under I.C. 36-4-9. In the event the Mayor, Common Council, the **City Clerk**, or any **City** departments heads, **City** departments or **City** officers cease to own or occupy the **lot or parcel** for a **City public use**, then this ordinance shall apply, and shall regulate and restrict, any other **use** of the **lot or parcel**. Any prior **use** of a **lot or parcel** by the Mayor, Common Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers that was exempt from this ordinance shall not be deemed a **nonconforming use** when the Mayor, Common Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers cease to own or occupy the **lot or parcel** for a **City public use**.

FORT WAYNE ZONING ORDINANCE

§ 157.108 COMPLIANCE

After the effective date of this ordinance, no **building**, **structure** or land shall be used, and no **building** or **structure** shall be altered, converted, enlarged, erected, moved, reconstructed, or reused except in conformance with the provisions of this ordinance, including the issuance of any required permits. No **lot** or **parcel** shall hereafter be established or divided except in conformance with the provisions of this ordinance. Existing **buildings**, **structures** and **uses** that do not comply with the provisions of this ordinance shall be subject to the provisions of §157.504 (Nonconforming Situations).

§ 157.109 DESIGN STANDARDS

The **Plan Commission** may adopt **design standards** 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 **standards**, the **Plan Commission** shall give notice and hold a public hearing in accordance with the **Commission's** rules. Copies of adopted **design standards** shall be available in the office of the **Department of Planning Services**.

§ 157.110 GRAPHICS, HEADINGS, AND ILLUSTRATIONS

To aid in the creation of standards that are reasonable, clear and precise, this ordinance includes diagrams, graphics, illustrations, images, and tables to help show the applicability, **use**, and intent of the relevant standards. The accompanying ordinance text is also intended to explain the standard that the diagram, graphic, or illustration is showing. If there is a conflict between the text and a diagram, graphic, or illustration, the text shall override the diagram, graphic, or illustration.

§ 157.111 INTERPRETATION

In cases where the provisions of this ordinance require interpretation, the interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission**, **Board of Zoning Appeals**, definitions used in State or Federal law, or other **Department of Planning Services** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

§ 157.112 MINIMUM REQUIREMENTS

Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **City**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **City**.

§ 157.113 OVERLAY DISTRICTS

This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource. Overlay **districts** shall include the **Airport Overlay Districts** and the **Floodplain** regulations.

FORT WAYNE ZONING ORDINANCE

§ 157.114 RELATION TO PLANS

In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

§ 157.115 RELATION TO OTHER LAWS AND REGULATIONS

- (A) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **onsite sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.
- (B) This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

§ 157.116 SAVING PROVISION

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, **Subdivision Control Ordinance**, or related ordinance. This ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

§ 157.117 SEVERABILITY

If any provision of this ordinance as existing now or later amended, or its application to any **person** or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 157.118 SIMILAR USES PERMITTED

The **uses** specified herein shall be permitted in the noted **zoning districts**. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these provisions may be permitted with the approval of the **Zoning Administrator**; however, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein

§ 157.119 STATE STATUTE AMENDMENTS

If any of the provisions of Indiana Code cited in this ordinance are amended or superseded, this ordinance shall be deemed amended with regard to the reference(s) to the new or revised code, until such time that the ordinance is amended to conform to the new or revised code. If Indiana Code is amended to require a more restrictive standard than this ordinance, the more restrictive State standard shall be applicable and enforced.

§ 157.120 SUBDIVIDING LAND

Land may be subdivided within any **zoning district**.

FORT WAYNE ZONING ORDINANCE

§ 157.121 TRANSITIONAL PROVISIONS AND VESTED RIGHTS

The intent of this section is to make this ordinance fully effective, but to allow for the continuation of all vested rights related to permits and approval issued prior to the effective date of this ordinance. The **transitional** provisions shall apply to the following situations:

(A) Applications Filed Prior to the Effective Date

(1) Completed Applications

Any application for an **Improvement Location Permit, Certificate of Occupancy, or Certificate of Compliance**, or any application for a land use approval from the **Board of Zoning Appeals** or the **Plan Commission**, which has been filed with the required filing fee and which has been determined to be complete prior to the effective date of this ordinance, shall be regulated by the terms and provisions of the zoning ordinance that were in effect as of the date the application was determined to be complete. Any re-application for an expired application or permit shall meet the provisions and **development** standards of the zoning ordinance in effect at the time of re-application. However, any such completed application filed before the effective date of this ordinance, shall be subject to the administrative procedures, procedural rules, and hearing process in effect at the time the completed application is reviewed or heard at a public hearing.

(2) No Applications Submitted and Incomplete Applications

Projects for which no application has been submitted or which have been determined to be incomplete prior to the effective date of this ordinance shall be subject to all requirements and standards of this ordinance.

(B) Approved Permits and Projects

(1) Permits

All permits (including **Improvement Location Permits**, Site Plan reviews, **Certificates of Occupancy**, and **Certificates of Compliance**) which have been issued prior to the effective date of this ordinance, or which are issued after the effective date of this ordinance for a complete application filed under §157.121 (A)(1) shall remain valid and in effect until the applicable expiration date. Projects with valid permits may be carried out in accordance with the provisions and **development** standards of the zoning ordinance in effect at the time of the approval of the permit, or at the time of filing a completed application under §157.121 (A)(1), provided that the permit does not expire or lapse prior to the effective date of this ordinance. If an application to substantially change a permit is filed after three (3) years of the effective date of this ordinance, then the change to the permit shall be governed by all requirements and **standards** of this ordinance in effect at the time of applying for the change.

(2) **Plan Commission** Final Decisions

All **Plan Commission** final decisions (as defined in IC 36-7-4-1016(b), which includes Development Plans and **plats**) which have been approved prior to the effective date of this ordinance, or which were approved after the effective date of this ordinance for a complete application filed under §157.121 (A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Plan Commission** may be carried out in accordance with the **Plan Commission's conditions** of approval and the

FORT WAYNE ZONING ORDINANCE

provisions and **development** standards of the zoning ordinance in effect at the time of the **Plan Commission**'s decision, or for a completed application under §157.121 (A)(1) above at the time the application is filed; unless the **Plan Commission**'s decision is reversed, expired or lapsed prior to the effective date of this ordinance. If an application to substantially change a **Plan Commission** final decision is filed after three (3) years of the effective date of this ordinance, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(3) **Board of Zoning Appeals** Final Decisions

All **Board of Zoning Appeals** final decisions (as defined in IC 36-7-4-1016(a), which includes special exceptions, **special uses**, **contingent uses**, **use** variances, and variance from **development** standards) which have been approved prior to the effective date of this ordinance, or which were approved after the effective date of this ordinance for a complete application filed under §157.121 (A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Board of Zoning Appeals** may be carried out in accordance with the **Board of Zoning Appeals**' conditions of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Board of Zoning Appeals**' decision, or for a completed application under §157.121(A)(1) at the time the application is filed; unless the **Board of Zoning Appeals**' decision expires, lapses, or is reversed prior to the effective date of this ordinance. If an application to substantially change a **Board of Zoning Appeals** final decision is filed after three (3) years of the effective date of this ordinance, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(4) **Commitments**

Any **commitments** submitted as part of a rezoning, a **Plan Commission** final decision, or a **Board of Zoning Appeals**' final decision that is recorded prior to the effective date of this ordinance, shall remain in full force and in effect. If an application to substantially change a **commitment** is filed after three (3) years of the effective date of this ordinance, then the change to the **commitment** shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(5) **Changes**

No provision of this ordinance shall require any change in the plans, construction, or designated **use** of any **structure** for which an **Improvement Location Permit** has been issued prior to the effective date of this ordinance, or for a permit that was issued under §157.121 (A)(1) above.

FORT WAYNE ZONING ORDINANCE

(6) Extensions

The decision-making body that granted the original approval may renew or extend the time of a valid previous approval. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in §157.503 (Procedures).

(7) Re-application

Any re-application for an expired permit or project approval shall meet the provisions and standards of the zoning ordinance in effect at the time of re-application.

(C) **Violations Continue**

Any **violation** occurring under the previous Zoning Ordinance will continue to be a **violation** under this ordinance and be subject to penalties and enforcement pursuant to §157.505 (Enforcement), unless the **use, development**, construction, or other activity complies with the provisions of this updated ordinance.

(D) **Nonconforming Uses and Structures Under Prior Ordinance**

Any **nonconforming use** or **structure** that lawfully existed on the effective date of this ordinance will be allowed to continue, as long as the nonconformity that resulted in the nonconforming status under the previous ordinance continues to exist. If a nonconformity under the previous ordinance conforms to the provisions or **development** standards of this ordinance, then the **use** or **structure** shall no longer be deemed nonconforming, but shall be considered a permitted **use** or **structure** and subject to the provisions of this ordinance.

FORT WAYNE ZONING ORDINANCE

§ 157.122 ZONING DISTRICT DESIGNATION CONVERSIONS

The existing **zoning district** designations shall be converted into updated **zoning district** designations as noted in the table below.

Existing and Updated Zoning Designations			
Existing Zoning Designation	Updated Zoning Designation	Existing Zoning Designation	Updated Zoning Designation
AR/Low Intensity Residential	AR/Low Intensity Residential	CM5A/Central Downtown District	DC/Downtown Core
R1/Single Family Residential	R1/Single Family Residential	CM5B/Downtown Edge District	DE/Downtown Edge
R2/Attached Single Family and Two Family Residential	R2/Two Family Residential	CM5C/Neighborhood Commercial Corridor	UC/Urban Corridor
R3/Multiple Family Residential	R3/Multiple Family Residential	SC1/Neighborhood Shopping Center	NC/Neighborhood Center
RP/Planned Residential	RP/Planned Residential	SC2/Community Shopping Center	NC/Neighborhood Center
MR1/Manufactured Residential Subdivision	MHS/Manufactured Home Subdivision	SC3/Metropolitan Shopping Center	SC/Shopping Center
MR2/Manufactured Home Park	MHP/Manufactured Home Park	SC4/Regional Shopping Center	SC/Shopping Center
CM1/Professional Offices and Personal Services	C1/Professional Office and Personal Services		BTI/Business, Technology, and Industrial Park
CM2/ Limited Retail and Commercial	C2/Limited Commercial	IN1/Limited Industrial	I1/Limited Industrial
CM3/General Commercial	C3/General Commercial	IN2/General Industrial	I2/General Industrial
CM4/Intensive Commercial	C4/Intensive Commercial	IN3/Heavy Industrial	I3/Intensive Industrial

FORT WAYNE ZONING ORDINANCE

ZONING DISTRICTS

§ 157.201 GENERAL ZONING DISTRICT PROVISIONS

(A) Purpose

The purpose of this section is to establish designations, standards, and requirements for the following:

- (1) **Zoning district** boundaries;
- (2) **Zoning district** conversions;
- (3) **Zoning district** designations;
- (4) Zoning maps; and
- (5) **Zoning district** and map determinations and interpretations.

(B) Zoning Districts

All of the area within the **planning jurisdiction** of the **Plan Commission** is hereby divided and classified into the **zoning districts** designated in the following table.

DISTRICT DESIGNATIONS	
AR	Low Intensity Residential
R1	Single Family Residential
R2	Two Family Residential
R3	Multiple Family Residential
RP	Planned Residential
MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park
C1	Professional Office and Personal Services
C2	Limited Commercial
NC	Neighborhood Center
SC	Shopping Center
C3	General Commercial
C4	Intensive Commercial
DC	Downtown Core
DE	Downtown Edge
UC	Urban Corridor
BTI	Business, Technology, and Industrial Park
I1	Limited Industrial
I2	General Industrial
I3	Intensive Industrial

(C) Zoning Maps

The **zoning districts** designated herein, and the boundaries of the respective **zoning districts**, shall be as shown on the Fort Wayne zoning maps on file in the office of the DPS staff. The zoning maps are hereby incorporated as part of this chapter.

FORT WAYNE ZONING ORDINANCE

(D) **District Boundaries**

Zoning district boundary lines shall be considered to be: **lot lines**; the centerline of any **alley**, **street**, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse unless the zoning maps indicate otherwise. However, for the purpose of establishing minimum distances from **residential zoning districts** as required in this chapter, the measurement shall always be taken from **lot line to lot line**, as opposed to being taken from the center line or other point within a **public street** or **alley right-of-way**.

(E) **District Conversions**

- (1) Any land which may be added to the **planning jurisdiction** of the **Plan Commission** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding Fort Wayne **zoning district** as set forth in the following table.

CORRESPONDING ZONING DESIGNATIONS			
COUNTY DISTRICT		FORT WAYNE DISTRICT	
A1	Agricultural	AR	Low Intensity Residential
A3	Estates		
R1	Single Family Residential	R1	Single Family Residential
R2	Two Family Residential	R2	Two Family Residential
R3	Multiple Family Residential	R3	Multiple Family Residential
		RP	Planned Residential
MHS	Manufactured Home Subdivision	MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park	MHP	Manufactured Home Park
C1	Professional Office and Personal Services	C1	Professional Office and Personal Services
C2	Limited Commercial	C2	Limited Commercial
NC	Neighborhood Center	NC	Neighborhood Center
SC	Shopping Center	SC	Shopping Center
C3	General Commercial	C3	General Commercial
C4	Intensive Commercial	C4	Intensive Commercial
BTI	Business, Technology and Industrial Park	BTI	Business, Technology and Industrial Park
I1	Limited Industrial	I1	Limited Industrial
I2	General Industrial	I2	General Industrial
I3	Intensive Industrial	I3	Intensive Industrial

- (2) If no specific zoning conversion is noted in this chapter, the **Zoning Administrator** shall determine the appropriate **zoning district** conversion based on the **Comprehensive Plan**, existing or proposed **development** in the area, and recommendation of the **Plan Commission**.

FORT WAYNE ZONING ORDINANCE

(F) Interpretation of Zoning Maps

If there is uncertainty or conflict with regard to the location of a **zoning district** boundary, the **Zoning Administrator** shall determine the correct boundary location, in accordance with the following:

- (1) It is intended that **zoning district** boundary lines follow the boundary survey perimeter **lot lines** or the legal description submitted as a part of an approved zoning map amendment;
- (2) If no survey or legal description exists then the **zoning district** boundary lines are intended to follow **lot lines**; the centerline of any **alley**, street, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse;
- (3) If a **zoning district** boundary line divides a **lot**, the location of the boundary line shall be determined by measurement, based on the scale of the zoning map; and
- (4) The **Zoning Administrator** may also consider existing or previous land **use(s)** on a **lot** in making such a determination.

§ 157.202 PERMITTED USES.

The following **uses** shall be permitted as set forth in the specified **zoning districts** in the following sections. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these sections may be permitted with the approval of the **Zoning Administrator**, based in part of the purpose of the applicable **zoning district**. However, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein. All **development** proposals shall be subject to the applicable review and approval procedures as set forth in §157.301 (Development Plans), §157.302 (Site Plan Review), and §157.503(B) (**Improvement Location Permit**).

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.203 AR LOW INTENSITY RESIDENTIAL

(A) Purpose

The Low Intensity **Residential district** is intended to create areas for both low intensity residential and **agricultural uses**. The purpose of this **district** is to allow for the continuation of agricultural land **uses** while also allowing low intensity residential **development** and certain additional **uses** where adequate **infrastructure** is available.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an AR **district**:

- (1) **Accessory building, structure, or use** as set forth in § 157.203(D);
- (2) **Agricultural uses and buildings**, including:
 - (a) **agronomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; **apiculture**; floriculture; forestry and tree farming; horticulture; and viticulture; and
 - (b) **low intensity livestock operation**, on properties of two acres or more in size.
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly/**recreation facility or use**, in association with a **minor plat** or an existing single **family subdivision**;
- (4) **Group residential facility (small)**;
- (5) **Model home**, in association with a **minor plat** (permitted for up to two years);
- (6) **Riding stable, residential** (shall be located on a **lot** with a single **family** residence);
- (7) **Single family dwelling (detached)**;
- (8) **Universally permitted use**;
- (9) **Wind energy conversion system, micro** (on unplatted **parcels**); and
- (10) **Wind energy conversion system, standard** (on **parcels** of over five acres not **adjacent** to platted **lots** or **residential zoning districts**).

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Accessory building** conversion to a single **family** residence;
- (2) **Accessory building**, as a **primary building**, on a site of at least 5 acres;
- (3) **Airstrip/heliport** (private; for corporate or multiple **owner use**);
- (4) **Bed and breakfast**;
- (5) **Boarding house**;
- (6) **Class II child care home**;
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Funeral home**;
- (12) **Golf course**;
- (13) **Group residential facility (large)**;
- (14) **Home business** (see § 157.503(D)(3)(b) for additional standards);
- (15) **Home enterprise** (see § 157.503(D)(3)(c) for additional standards);
- (16) **Home workshop** (see § 157.503(D)(3)(d) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards);
- (19) **Model home** (for an extension of time or expansion of scope);
- (20) **Nature preserve** that includes a **structure** or parking area;
- (21) **Neighborhood facility**;
- (22) **Nonconforming use** (expansion of existing legal **nonconforming use**, or allow conforming status to existing **use**)
- (23) Reception, meeting, or **recreation hall**; **clubhouse**;
- (24) **Recreation facility and/or use**, outdoor (athletic field, including illuminated **accessory use fields, campground, driving range, miniature golf course, swim or tennis club**);
- (25) **Religious institution** or **school** illuminated athletic field(s);
- (26) **Residential facility for a court-ordered re-entry program**;
- (27) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (28) **Riding stable, non-residential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five acres);

FORT WAYNE ZONING ORDINANCE

- (29) **Sign** (temporary **subdivision** direction);
- (30) **Solar panel (ground-mounted)**;
- (31) **Two family dwelling** (to allow conforming status for existing nonconforming dwellings);
- (32) **Utility facility, private** (not otherwise permitted or exempt);
- (33) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height); and
- (34) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five acres, or **adjacent** to platted lots or **residential zoning districts**).

FORT WAYNE ZONING ORDINANCE

(D) Accessory Buildings, Structures, and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence, and if there is no freestanding accessory dwelling unit on the property		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the AR **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	On lots of less than two acres served by an onsite sewage system , new detached accessory building square footage shall be less than the square footage of the primary building ; plus: On lots of over five acres, an accessory building shall also be permitted, as the primary building
Number of buildings permitted on a lot	
One primary residential building per lot, plus: One accessory dwelling unit (300 square foot minimum)	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	12,000
Lot width	
Private sewage disposal	120' at front building line
Public sewer	75' at front building line
Front yard	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 150' wide; 7' if the lot is less than 150' wide
Corner lot	The street side yard setback shall be the same as the front yard setback , based on the side lot line street classification, except that: <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story primary building addition of up to 250 square feet may encroach up to 10 feet into the required rear yard (5) Excluding swimming pools (6) If located behind the primary building	

FORT WAYNE ZONING ORDINANCE

(2) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

§ 157.204 RESERVED

§ 157.205 RESERVED

FORT WAYNE ZONING ORDINANCE

§ 157.206 R1 SINGLE FAMILY RESIDENTIAL

(A) Purpose

The Single **Family Residential district** is intended to create and maintain areas for single **family** residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** neighborhoods, along with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R1 **district**:

- (1) **Accessory building, structure, or use** as set forth in § 157.206(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two years);
- (5) **Single family dwelling (detached)**; and
- (6) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport** (noncommercial/private individual or accessory to permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 157.503(D)(3)(b) for additional standards);

FORT WAYNE ZONING ORDINANCE

- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/expansion of scope);
- (23) **Museum**;
- (24) **Nature preserve** that includes a **structure** or parking area;
- (25) **Neighborhood facility**;
- (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (28) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (29) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**);
- (30) **Religious institution** or **school** illuminated athletic field(s);
- (31) **Residential facility for a court-ordered re-entry program**;
- (32) **Residential facility for homeless individuals**, for up to eight (8) individuals; the facility shall be located a minimum of 3000 feet from a small **group residential facility**, a large **group residential facility**, a court-ordered re-entry program **residential facility**, or another **residential facility for homeless individuals**, as measured from the closest property lines of the facilities;
- (33) **Solar panel (ground mounted)**;
- (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (35) **Studio (transitional use)**;
- (36) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
- (37) **Utility facility, private** (not otherwise permitted or exempt);
- (38) **Wind energy conversion system, micro** (for single **family** detached **dwellings** on **unplatted land**); and
- (39) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five acres).

FORT WAYNE ZONING ORDINANCE

(D) Accessory **Buildings, Structures** and **Uses**

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smokehouse/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	6,000 (interior lot) 8,500 (corner lot)
Lot width	
Private sewage disposal	120' at front building line
Public sewer	50' at front building line (interior lot) 70' at front building line (corner lot)
Front yard ⁽³⁾	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story primary building addition of up to 250 square feet may encroach up to 10 feet into the required rear yard (5) Excluding swimming pools (6) If located behind the primary building	

FORT WAYNE ZONING ORDINANCE

(2) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

§ 157.207 R2 TWO FAMILY RESIDENTIAL

(A) Purpose

The Two **Family Residential district** is intended to create areas for medium density residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** and two **family** residential **development**, along with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R2 **district**:

- (1) **Accessory building, structure, or use** as set forth in § 157.207(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two years);
- (5) **Single family dwelling (attached)**; one **building** of up to two units);
- (6) **Single family dwelling (detached)**;
- (7) **Two family dwelling**; and
- (8) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;

FORT WAYNE ZONING ORDINANCE

- (15) **Heliport** (noncommercial/private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 157.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/expansion of scope);
- (23) **Museum**;
- (24) **Nature preserve** that includes a **structure** or parking area;
- (25) **Neighborhood facility**;
- (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (28) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (29) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**);
- (30) **Religious institution** or **school** illuminated athletic field(s);
- (31) **Residential facility for a court-ordered re-entry program**;
- (32) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (33) **Solar panel (ground mounted)**;
- (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (35) **Studio (transitional use)**;
- (36) **Utility facility, private** (not otherwise permitted or exempt);
- (37) **Wind energy conversion system, micro** (for single **family** detached **structures** on **unplatted land** only); and
- (38) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five acres).

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R2 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	6,000 (interior lot) 8,500 (corner lot)
Lot width	
Private sewage disposal	120' at front building line
Public sewer	50' at front building line (interior lot) 70' at front building line (corner lot)
Front yard ⁽³⁾	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 (Signs) for maximum sign heights ; and §157.404(O) (Residential Impact Mitigation) and §157.411 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story building of up to 250 square feet may encroach up to 10 feet into the required rear yard (5) Excluding swimming pools (6) If located behind the primary building	

FORT WAYNE ZONING ORDINANCE

- (2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

§ 157.208 R3 MULTIPLE FAMILY RESIDENTIAL

(A) Purpose

The Multiple **Family Residential district** is intended to create areas for high density multiple **family residential uses**, as well as single and two-**family dwelling** units and other compatible **nonresidential uses** where adequate public facilities are available. Certain additional **professional office** and commercial **uses** may also be permitted, if approved by the **Board of Zoning Appeals** (see §157.503(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 §157.301).

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an R3 **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.208(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (4) **Fraternity or sorority house**;
- (5) **Group residential facility (small)**;
- (6) **Model home** (permitted for up to two years);
- (7) **Multiple family complex**;
- (8) **Multiple family dwelling**;
- (9) Off-site **campus housing**;
- (10) **Retirement facility**;
- (11) **Single family dwelling (attached)**;
- (12) **Single family dwelling (detached**; including multiple **primary structures**);
- (13) **Two family dwelling**; and
- (14) **Universally permitted use**.

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see § 157.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/expansion of scope);
- (23) **Museum**;
- (24) **Nature preserve** that includes a **structure** or parking area;
- (25) **Neighborhood facility**;
- (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing use);
- (27) **Personal service (transitional use, excluding copy/duplicating service, health club/fitness center, or social service agency)**;
- (28) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan)**;

FORT WAYNE ZONING ORDINANCE

- (29) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**);
- (30) **Religious institution or school** illuminated athletic field(s);
- (31) **Residential facility for a court-ordered re-entry program**;
- (32) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (33) **Solar panel (ground mounted)**;
- (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (35) **Studio (transitional use)**;
- (36) **Utility facility, private** (not otherwise permitted or exempt);
- (37) **Wind energy conversion system, micro** (for single **family detached buildings** on **unplatted land** only); and
- (38) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five acres).

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the R3 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	6,000 (interior lot) 8,500 (corner lot)
Lot width	
Private sewage disposal	120' at front building line
Public sewer	50' at front building line (interior lot) 70' at front building line (corner lot)
Front yard ⁽³⁾	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private/interior private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way or the private street roadway 30' from the easement
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
25' (separation from any other primary multiple family building) 10' (side yard separation from the side of another primary single or two family building)	
Multiple family complex building recreation space	
120 square feet of developed recreation space per dwelling	
Townhouse complex building separation	
10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story building of up to 250 square feet may encroach up to 10 feet into the required rear yard (5) Excluding swimming pools (6) If located behind the primary building	

FORT WAYNE ZONING ORDINANCE

(2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.209 RP PLANNED RESIDENTIAL

(A) Purpose

The Planned **Residential district** is intended to create areas for mixed residential **uses**. The purpose of this **district** is to permit residential and other compatible **nonresidential uses**, where adequate public facilities are available. Certain additional **professional office** and commercial **uses** may also be permitted, if approved by the **Board of Zoning Appeals** (see §157.503(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 §157.301).

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an RP **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.209(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (4) **Group residential facility (small)**;
- (5) **Fraternity or sorority house**;
- (6) **Model home** (permitted for up to two years);
- (7) **Multiple family complex**;
- (8) **Multiple family dwelling**;
- (9) **Off-site campus housing**;
- (10) **Retirement facility**;
- (11) **Single family dwelling (attached)**;
- (12) **Single family dwelling (detached)**;
- (13) **Two family dwelling**; and
- (14) **Universally permitted use**.

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see § 157.203(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**) , for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 157.203(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/expansion of scope);
- (23) **Museum**;
- (24) **Nature preserve** that includes a **structure** or parking area;
- (25) **Neighborhood facility**;
- (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing use);
- (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (28) **Professional office/business service (transitional use**, excluding **bank, credit union, loan office**, or savings and loan);

FORT WAYNE ZONING ORDINANCE

- (29) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**)
- (30) **Religious institution or school** illuminated athletic field(s);
- (31) **Residential facility for a court-ordered re-entry program**;
- (32) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (33) **Solar panel (ground mounted)**;
- (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (35) **Studio (transitional use)**;
- (36) **Utility facility, private** (not otherwise permitted or exempt);
- (37) **Wind energy conversion system, micro** (for single **family** detached **residential buildings** on **unplatted land** only); and
- (38) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five acres).

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the RP **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	6,000 (interior lot) 8,500 (corner lot)
Lot width	
Private sewage disposal	120' at front building line
Public sewer	50' at front building line (interior lot) 70' at front building line (corner lot)
Front yard ⁽³⁾	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private/interior private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way or the private street roadway 30' from the easement
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family complex perimeter setback	
One story building	25 feet
Two story building	30 feet
Three story or above building	40 feet
Multiple family complex building separation	
25' (separation from any other primary multiple family building) 10' (side yard separation from the side of another primary single or two family building)	
Multiple family complex building recreation space	
120 square feet of developed recreation space per dwelling	
Townhouse complex building separation	
10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story building of up to 250 square feet may encroach up to 10 feet into the required rear yard (5) Excluding swimming pools (6) If located behind the primary building	

FORT WAYNE ZONING ORDINANCE

(2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.210 MHS MANUFACTURED HOME SUBDIVISION

(A) Purpose

The **Manufactured Home Subdivision district** is intended to create areas for the **development** of **Type II manufactured homes** on individual **lots** which will provide for an environment of predominantly single **family development** with certain additional **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHS **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.210(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Manufactured home, Type II**;
- (5) **Model home** (permitted for up to two years);
- (6) **Single family dwelling (detached)**;
- (7) **Universally permitted use**.

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted - a post-secondary **educational institution** including a college, university, professional **school**, seminary, or vocational **school**);
- (10) **Educational institution-associated uses** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;

FORT WAYNE ZONING ORDINANCE

- (15) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 157.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Medical office (transitional use)**;
- (21) **Model home** (for extension of time/expansion of scope);
- (22) **Museum**;
- (23) **Nature preserve** that includes a **structure** or parking area;
- (24) **Neighborhood facility**;
- (25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- (27) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- (28) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**);
- (29) **Religious institution** or **school** illuminated athletic field(s);
- (30) **Residential facility for a court-ordered re-entry program**;
- (31) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (32) **Solar panel (ground mounted)**;
- (33) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- (34) **Studio (transitional use)**;
- (35) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
- (36) **Utility facility, private** (not otherwise permitted or exempt);
- (37) **Wind energy conversion system, micro** (for **single family detached buildings** on **unplatted land** only); and
- (38) **Wind energy conversion system, standard** (for **fire/police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five acres).

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

Accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the MHS **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary non-residential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Private sewage disposal	87,120 (2 acres)
Public sewer	6,000 (interior lot) 8,500 (corner lot)
Lot width	
Private sewage disposal	120' at front building line
Public sewer	50' at front building line (interior lot) 70' at front building line (corner lot)
Front yard ⁽³⁾	
Platted lot	25'
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300 feet of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

FORT WAYNE ZONING ORDINANCE

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50 feet an addition to a primary residential structure or an accessory structure shall meet a 10 foot side yard setback; on a lot of over 50 feet an addition to a primary residential structure or an accessory structure shall meet a 25 foot side yard setback. For fences, if there is no platted building line, a fence (except for an ornamental fence) shall meet a five foot setback; an ornamental fence shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
<p>Notes:</p> <p>(1) Excluding basement and attached garage area</p> <p>(2) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions</p> <p>(3) See rear yard information for accessory structure and swimming pool side yard standards</p> <p>(4) A single story primary building addition of up to 250 square feet may encroach up to 10 feet into the required rear yard</p> <p>(5) Excluding swimming pools</p> <p>(6) If located behind the primary building</p>	

FORT WAYNE ZONING ORDINANCE

(2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, retaining wall , small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: (1) Except as noted below, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback , except that fences and walls shall meet corner lot setback standard (3) However, a 3' side yard shall be maintained (4) Shall meet minimum setback			

FORT WAYNE ZONING ORDINANCE

§ 157.211 MHP MANUFACTURED HOME PARK

(A) Purpose

The **Manufactured Home Park district** is intended to create areas for the location of multiple **Type III manufactured homes** on leased or rented **lots**. **Manufactured home park developments** shall require the review and approval of a Development Plan (see §157.301).

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHP **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.211(C);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, in association with an approved Development Plan;
- (3) **Manufactured home** project under single ownership (including **model home**, but excluding sales or service **lot**);
- (4) **Manufactured home, Type III**; and
- (5) **Universally permitted use**.

FORT WAYNE ZONING ORDINANCE

(C) Accessory Buildings, Structures, and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Access ramp	Hedge	Satellite dish
Address marker	Holiday decorations	Shed or other storage building
Arbor or pergola	Landscape elements	Sign
Bird bath	Mailbox	Solar panels (building mounted)
Bird house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution-related items)
Notes: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(D) Development Standards

- (1) The standards in the following table shall apply in the MHP **district**; all are minimum standards unless otherwise noted.

MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family residence	950
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Height (maximum)⁽¹⁾	
Accessory building	25'
Primary building	40'
Front yard	
Standard lot	5'
Through lot	5' (minimum yard at both ends of the lot)
Side yard	
Standard lot	5'
Rear yard	
Standard lot	5'
Manufactured home park perimeter setback	
50'	
Manufactured home park building separation	
5' (separation from any other primary building)	
Manufactured home park recreation space	
120 square feet of developed recreation space per dwelling	
Notes:	
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions	

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.212 C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES

(A) Purpose

The **Professional Office and Personal Services district** is intended to provide areas for **professional offices, personal services**, community, and similar low intensity **nonresidential uses**, along with certain residential facilities. This **district** can serve as a **buffer** between residential **uses/zoning districts** and higher intensity commercial **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in a C1 **district**. In C1 **districts**, **outdoor display**, temporary outdoor sales, and **outdoor storage** shall not be permitted.

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES USE CATEGORIES

Community facility	Professional office/business service	Universally permitted use
Instruction/training/education	Residential facility, general	Miscellaneous use
Medical facility or office	Residential facility, limited	
Personal service⁽¹⁾	Studio	

Notes: (1) Excluding tattoo establishment

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES

Accessory building/structure/use	Broker	Diagnostic center
Accountant	Business training	Dialysis center
Adoption service	Campus housing	Doctor
Adult care center	Child care center	Dormitory
Adult care home	Child care home (class I or II)	Driving instruction
Advertising	Chiropractor	Embroidery
Answering service	Clinic	Educational institution
Appraiser	Collection agency	Employment agency
Architect	Community center	Engineer
Art instruction	Community garden	Finance agency
Artist studio	Computer training	Financial planning service
Assisted living facility	Consulting service	Fire station
Attorney	Copy or duplicating service	Fitness center
Auction service	Correctional services facility	Foundation office
Audiologist	Counseling service	Fraternity house
Audio-visual studio	Craft instruction	Funeral home
Bank	Craft studio	Graphic design service
Bankruptcy service	Credit service	Group residential facility (large)⁽¹⁾
Barber shop	Credit union	Group residential facility (small)
Barber/beauty school	Customer service facility	Gymnastics instruction
Beauty shop	Dance instruction	Health center
Bed and breakfast	Data processing facility	Health club
Blood bank	Data storage facility	Homeless/emergency shelter
Blood or plasma donor facility	Dating service	Hospice care center
Boarding/lodging house	Day care	Hospital
Bookkeeping service	Day spa	Insurance agency
Broadcast studio	Dentist	Interior design service

FORT WAYNE ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES		
Internet/web site service	Nutrition service	Security service
Investment service	Ophthalmologist	Sleep disorder facility
Laboratory	Optician	Social service agency
Land surveyor	Optometrist	Sorority house
Legal service	Park or recreation area	Stained glass studio
Library	Parking area (off-site)	Stock and bond broker
Live-work unit	Photography studio	Surgery center
Loan office	Photography training	Tailor/alteration service
Marketing agency	Physical therapy facility	Tanning salon
Martial arts training	Planetarium	Tax consulting
Massage therapy	Planner	Television station
Medical training	Public transportation or similar public facility	Title company
Model unit	Podiatrist	Townhouse complex
Mortgage service	Police station	Travel agency
Multiple family complex	Radio station	Treatment center
Multiple family dwelling	Realtor	Tutoring service
Museum	Rehabilitation facility	Veterinary clinic
Music instruction	Religious institution/school field	Wind energy conversion system (micro)⁽²⁾
Music/recording studio	Residential dwelling unit⁽¹⁾	Wedding consultant
Nail salon	Residential facility for homeless individuals⁽²⁾	Weight loss service
Nature preserve	Retirement facility	Yoga/pilates instruction
Neighborhood facility	Savings and loan	Zoo
Nursing home	School	
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district		

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal service**, indoor (animal grooming, **animal hospital**, **animal kennel**, animal obedience school, **veterinary clinic**)
- (2) **Automatic teller machine** (ATM) (stand alone)
- (3) **Club, private**
- (4) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (5) **Community garden** that includes a **structure**
- (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (8) **Home business** (in a **single family detached dwelling** only; (see § 157.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing use)
- (12) **Parking area** (as the **primary use** of a lot)
- (13) **Recreation facility or use**, outdoor (athletic field, **riding stable**, swim **club**, tennis **club**)
- (14) **Religious institution** or school illuminated athletic field(s)
- (15) **Residential facility for court-ordered re-entry program**
- (16) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (17) Retail (neighborhood): **art gallery**, **bakery**, **coffee shop**, confectionary/candy/ice cream store, craft gallery, delicatessen, florist, jeweler, medical supply sales, musical instrument sales, sandwich **shop**, tea room (permitted as a conversion of an existing **building**; allowed up to 2500 square feet; excluding drive-through facilities)
- (18) **Solar panel (ground mounted)**
- (19) Tattoo establishment
- (20) **Utility facility, private** (not otherwise permitted or exempt)
- (21) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS				
Height (maximum) ⁽¹⁾				
Primary or accessory nonresidential building or structure			40'	
Primary or accessory residential facility building or structure			Up to two stories or 30' ⁽²⁾	
Front yard				
Non-through lot			25'	
Through lot			25' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot			The smallest existing nonconforming setback	
Side yard (interior lot)				
Primary building				
Height		If adjacent to a residential district	If not adjacent to a residential district	
Up to 30'		25'	10'	
Over 30'		50'	25'	
Accessory building or structure				
Height	Size	If adjacent to a residential district	If not adjacent to a residential district	
Up to 25' and	Up to 200 sq. ft.	25'	5'	
Over 25' or	Over 200 sq. ft.	25'	25'	
Side yard (corner lot)				
Primary building – corner lot street side yard			25'	
Accessory building – corner lot street side yard			25'	
Rear yard				
Primary building – no outside activity behind the building ⁽³⁾				
Height		If adjacent to a residential district	If not adjacent to a residential district	
Up to 30'		25'	10'	
Over 30'		50'	25'	
Primary building – outside activity behind the building ⁽³⁾				
50'				
Accessory building or structure				
Height	Size	If adjacent to a residential district	If not adjacent to a residential district	
Up to 25' and	Up to 200 sq ft	25'	5'	
Over 25' or	Over 200 sq ft	40'	25'	
Notes:				
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions				
(2) Whichever is less				
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage				

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

§ 157.213 C2 LIMITED COMMERCIAL

(A) Purpose

The Limited Commercial **district** is intended to provide areas for moderate intensity business, community, office, **personal service**, and limited retail **uses**, along with certain residential facilities. Neighborhood-oriented **uses** are encouraged.

(B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, a single **building** on a single **lot** shall be permitted, with a square footage of up to 25% coverage of the **net lot area**, to a maximum **building** size of 22,000 square feet.

(C) Permitted **Uses**

The following **uses** are permitted as a matter of right in a C2 **district**. Unless otherwise noted, all **primary uses** shall be conducted indoors. In C2 **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** by a **solid fence**.

C2 LIMITED COMMERCIAL USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Architect	Bank
Accountant	Art gallery	Bankruptcy service
Adoption service	Art instruction	Bar or tavern
Adult care center	Artist material and supply store	Barber shop
Adult care home	Artist studio	Barber/beauty school
Advertising	Assisted living facility	Beauty shop
Air conditioning sales	Attorney	Bed and breakfast
Animal grooming	Auction service	Bicycle sales and repair shop
Animal hospital	Audiologist	Billiard or pool hall
Animal kennel	Audio-visual studio	Bingo establishment
Animal obedience school	Automobile accessory store	Blood bank
Answering service	Automobile rental (indoor)	Blood or plasma donor facility
Antique shop	Automobile sales (indoor)	Boarding/lodging house
Apparel and accessory store	Automatic teller machine	Book store
Appraiser	Bait sales	Bookkeeping service
Arcade	Bakery goods	Bowling alley

FORT WAYNE ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES		
Broker	Diagnostic center	Interior decorating store
Business training	Dialysis center	Interior design service
Campus housing	Diaper service facility	Internet/web site service
Card and stationery store	Dinner theater	Investment service
Catalog showroom	Doctor	Laboratory
Caterer	Dormitory	Land surveyor
Child care center	Driving instruction	Laundromat/coin operated laundry
Child care home (class I or II)	Drug store	Leather goods or luggage store
Chiropractor	Dry cleaning store	Legal service
Cigarette/tobacco/cigar store	Educational institution	Library
Clinic	Embroidery	Live-work unit
Clock/watch/ jewelry sales/ repair	Employment agency	Loan office
Clothing store	Engineer	Marketing agency
Club, private	Entertainment facility	Martial arts training
Coffee shop	Fabric shop	Massage therapy
Coin shop	Farmer's market (incl. outdoor)	Meat or fish market
Collection agency	Finance agency	Medical training
Community center	Financial planning service	Micro or mini-brewery/brewpub
Community garden	Fireworks sales	Model unit
Computer sales and service	Fitness center	Mortgage service
Computer software store	Flea market	Motel
Computer training	Floor covering store	Movie and game sales and rental
Confectionery/candy/ice cream store	Florist	Multiple family complex
Consignment shop	Foundation office	Multiple family dwelling
Consulting service	Fraternity house	Museum
Consumer electronics sales/service	Fruit and/or vegetable store	Music instruction
Convenience store	Funeral home	Music store
Copy or duplicating service	Furniture store	Music/recording studio
Correctional services facility	Furrier	Musical instrument store
Cosmetic store	Gift shop	Nail salon
Costume and clothing rental	Glass cutting/glazing shop	Neighborhood facility
Counseling service	Graphic design service	Nursing home
Craft instruction	Grocery store or supermarket	Nutrition service
Craft studio	Group residential facility (large) ⁽²⁾	Ophthalmologist
Craft supply store	Group residential facility (small)	Optician
Credit service	Gymnastics instruction	Optometrist
Credit union	Hardware store	Package liquor store
Customer service facility	Haunted house	Paint store
Dance instruction	Health center	Park or recreation area
Data processing facility	Health club	Parking area ⁽²⁾
Data storage facility	Heating sales	Parking area (off-site)
Dating service	Hobby shop	Parking structure
Day care	Homeless/emergency shelter ⁽²⁾	Pet store
Day spa	Hospice care center	Pharmacy
Delicatessen	Hospital	Photographic supply store
Dentist	Hotel	Photography training
Department store	Insurance agency	Physical therapy facility

FORT WAYNE ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES		
Picture framing facility	Security service	Television station
Planetarium	Shoe store/shoe repair shop	Tennis club
Planner	Sign sales store	Theater
Podiatrist	Skating rink	Tire sales
Pottery sales	Sleep disorder facility	Title company
Public transportation or similar public facility	Social service agency	Townhouse complex
Radio station	Sorority house	Toy store
Real estate	Sporting goods sales and rentals	Travel agency
Reception/banquet hall	Stained glass studio	Treatment center
Rehabilitation facility	Stock and bond broker	Tutoring service
Religious institution/school field	Surgery center	Variety store
Rental and/or leasing store	Swim club	Veterinary clinic
Rescue mission	Swimming pool /hot tub sales	Wedding consultant
Residential dwelling unit ⁽¹⁾	Tailor/alterations service	Weight loss service
Residential facility for homeless individuals ⁽²⁾	Tanning salon	Window sales
Restaurant , including drive-through	Tattoo establishment	Wind energy conversion system (micro) ⁽²⁾
Retirement facility	Tax consulting	Yoga/pilates instruction
Savings and loan	Taxi service	Zoo
School	Telephone sales and service	
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district		

FORT WAYNE ZONING ORDINANCE

(D) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Automobile maintenance (quick service)**
- (2) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (3) **Community garden** that includes a **structure**
- (4) **Educational institution-associated uses** (on non-contiguous properties)
- (5) **Gas station**
The **Board** may consider the **gas station** size, **building/canopy** orientation, general **design standards**, and specific **primary building** orientation design requirements set forth for **gas stations** in § 157.219(C)(7) (Downtown Edge **district**).
- (6) **Greenhouse**
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (8) **Home business** (in a **single family detached dwelling** only; see § 157.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (12) **Outdoor use** (in conjunction with a permitted **primary use**)
- (13) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**)
- (14) **Plant nursery**
- (15) **Recreation facility or use**, outdoor (athletic field, **riding stable**)
- (16) **Religious institution or school** illuminated athletic field(s)
- (17) **Residential facility for a court-ordered re-entry program**
- (18) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (19) **Shooting range** (indoor)
- (20) **Solar panel (ground mounted)**
- (21) **Utility facility, private** (not otherwise permitted or exempt)
- (22) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(E) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the C2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure			40'
Primary or accessory residential facility building or structure			Up to two stories or 30' ⁽²⁾
Front yard			
Non-through lot			25'
Through lot			25' at each end of the lot
With existing building(s) with a lesser front setback adjacent to the lot			The smallest existing nonconforming setback
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.214 NC NEIGHBORHOOD CENTER

(A) Purpose

The **Neighborhood Center district** is intended to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

(B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**, to a maximum of 80,000 square feet; individual tenant spaces shall be limited to 40,000 square feet, except that **grocery store/supermarket uses** shall not have a tenant space limit; new commercial/retail **developments** with individual **buildings** between 22,000 and 40,000 square feet shall require an NC zoning classification.

(C) Permitted **Uses**

In NC **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** by a **solid fence**. The following **uses** are permitted as a matter of right in an NC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted, all **primary uses** shall be conducted indoors.

NC NEIGHBORHOOD CENTER USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Accessory building/structure/use	Architect	Bank
Accountant	Art gallery	Bankruptcy service
Adoption service	Art instruction	Bar or tavern
Adult care center	Artist material and supply store	Barber shop
Adult care home	Artist studio	Barber/beauty school
Advertising	Assisted living facility	Beauty shop
Air conditioning sales	Attorney	Bed and breakfast
Animal grooming	Auction service	Bicycle sales and repair shop
Animal hospital	Audiologist	Billiard or pool hall
Animal kennel	Audio-visual studio	Bingo establishment
Animal obedience school	Automobile accessory store	Blood bank
Answering service	Automobile rental (indoor)	Blood or plasma donor facility
Antique shop	Automobile sales (indoor)	Boarding/lodging house
Apparel and accessory store	Automatic teller machine	Book store
Appraiser	Bait sales	Bookkeeping service
Arcade	Bakery goods	Bowling alley

FORT WAYNE ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Broker	Diagnostic center	Interior decorating store
Business training	Dialysis center	Interior design service
Campus housing	Diaper service facility	Internet/web site service
Card and stationery store	Dinner theater	Investment service
Catalog showroom	Doctor	Laboratory
Caterer	Dormitory	Land surveyor
Child care center	Driving instruction	Laundromat/coin operated laundry
Child care home (class I or II)	Drug store	Leather goods or luggage store
Chiropractor	Dry cleaning store	Legal service
Cigarette/tobacco/cigar store	Educational institution	Library
Clinic	Embroidery	Live-work unit
Clock/watch/ jewelry sales/ repair	Employment agency	Loan office
Clothing store	Engineer	Marketing agency
Club, private	Entertainment facility	Martial arts training
Coffee shop	Fabric shop	Massage therapy
Coin shop	Farmer's market (incl. outdoor)	Meat or fish market
Collection agency	Finance agency	Medical training
Community center	Financial planning service	Micro or mini-brewery/brewpub
Community garden	Fireworks sales	Model unit
Computer sales and service	Fitness center	Mortgage service
Computer software store	Flea market	Motel
Computer training	Floor covering store	Movie and game sales and rental
Confectionery/candy/ice cream store	Florist	Multiple family complex
Consignment shop	Foundation office	Multiple family dwelling
Consulting service	Fraternity house	Museum
Consumer electronics sales/service	Fruit and/or vegetable store	Music instruction
Convenience store	Funeral home	Music store
Copy or duplicating service	Furniture store	Music/recording studio
Correctional services facility	Furrier	Musical instrument store
Cosmetic store	Gift shop	Nail salon
Costume and clothing rental	Glass cutting/glazing shop	Neighborhood facility
Counseling service	Graphic design service	Nursing home
Craft instruction	Grocery store or supermarket	Nutrition service
Craft studio	Group residential facility (large) ⁽²⁾	Ophthalmologist
Craft supply store	Group residential facility (small)	Optician
Credit service	Gymnastics instruction	Optometrist
Credit union	Hardware store	Package liquor store
Customer service facility	Haunted house	Paint store
Dance instruction	Health center	Park or recreation area
Data processing facility	Health club	Parking area ⁽²⁾
Data storage facility	Heating sales	Parking area (off-site)
Dating service	Hobby shop	Parking structure
Day care	Homeless/emergency shelter ⁽²⁾	Pet store
Day spa	Hospice care center	Pharmacy
Delicatessen	Hospital	Photographic supply store
Dentist	Hotel	Photography training
Department store	Insurance agency	Physical therapy facility

FORT WAYNE ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Picture framing facility	Security service	Television station
Planetarium	Shoe store/shoe repair shop	Tennis club
Planner	Sign sales store	Theater
Podiatrist	Skating rink	Tire sales
Pottery sales	Sleep disorder facility	Title company
Public transportation or similar public facility	Social service agency	Townhouse complex
Radio station	Sorority house	Toy store
Real estate	Sporting goods sales and rentals	Travel agency
Reception/banquet hall	Stained glass studio	Treatment center
Rehabilitation facility	Stock and bond broker	Tutoring service
Religious institution/school field	Surgery center	Variety store
Rental and/or leasing store	Swim club	Veterinary clinic
Rescue mission	Swimming pool /hot tub sales	Wedding consultant
Residential dwelling unit ⁽¹⁾	Tailor/alterations service	Weight loss service
Residential facility for homeless individuals ⁽²⁾	Tanning salon	Window sales
Restaurant , including drive-through	Tattoo establishment	Wind energy conversion system (micro) ⁽²⁾
Retirement facility	Tax consulting	Yoga/pilates instruction
Savings and loan	Taxi service	Zoo
School	Telephone sales and service	
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district		

FORT WAYNE ZONING ORDINANCE

(D) **Special Uses**

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Automobile maintenance (quick service)**
- (2) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (3) **Community garden** that includes a **structure**
- (4) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (5) **Gas station**

The **Board** may consider the **gas station** size, **building/canopy** orientation, general **design** standards, and specific **primary building** orientation design requirements set forth for **gas stations** in §157.219(C)(7) (Downtown Edge **district**)

- (6) **Greenhouse**
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (8) **Home business** (for single **family detached buildings** only; see § 157.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (12) **Outdoor use** (in conjunction with a permitted **primary use**)
- (13) **Parking area** (if **adjacent** to a **residential district**)
- (14) **Plant nursery**
- (15) **Recreation facility or use**, outdoor (athletic field, **riding stable**)
- (16) **Religious institution** or **school** illuminated athletic field(s)
- (17) **Residential facility for a court-ordered re-entry program**
- (18) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (19) **Solar panel (ground mounted)**
- (20) **Utility facility, private** (not otherwise permitted or exempt)
- (21) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(E) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the NC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.215 SC SHOPPING CENTER

(A) Purpose

The **Shopping Center districts** are intended to create areas for the provision of adequate commercial facilities at suitable locations and of appropriate design, scale and intensity which will create a functional and compatible relationship with the immediate surroundings and community. It is intended that SC **districts** be composed of multiple, different **uses** that serve the retail needs of the community. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

(B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**; new commercial/retail **developments** with total **building** square footage of over 80,000 square feet or with individual tenant spaces over 40,000 square feet shall require an SC zoning classification

(C) Permitted **Uses**

In SC **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** by a **solid fence**. The following **uses** are permitted as a matter of right in an SC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted, all **primary uses** shall be conducted indoors.

SC SHOPPING CENTER USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail/service, general
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation/tourism, limited	Universally permitted use
Food and beverage service	Residential facility, general	Miscellaneous use

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
Accessory building/structure/use	Apparel and accessory store	Automobile accessory store
Accountant	Appraiser	Automatic teller machine
Adoption service	Arcade	Automobile rental (indoor)
Adult care center	Architect	Automobile sales (indoor)
Adult care home	Art gallery	Bait sales
Advertising	Art instruction	Bakery goods
Air conditioning sales	Artist material and supply store	Bank
Animal grooming	Artist studio	Bankruptcy service
Animal hospital	Assisted living facility	Bar or tavern
Animal kennel	Attorney	Barber shop
Animal obedience school	Auction service	Barber/beauty school
Answering service	Audiologist	Beauty shop
Antique shop	Audio-visual studio	Bed and breakfast

FORT WAYNE ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
Bicycle sales and repair shop	Dating service	Hospital
Billiard or pool hall	Day care	Hotel
Bingo establishment	Day spa	Insurance agency
Blood bank	Delicatessen	Interior decorating store
Blood or plasma donor facility	Dentist	Interior design service
Boarding/lodging house	Department store	Internet/web site service
Boat/watercraft sales	Diagnostic center	Investment service
Book store	Dialysis center	Laboratory
Bookkeeping service	Diaper service facility	Landscape contracting service
Bowling alley	Dinner theater	Land surveyor
Broker	Doctor	Laundromat/coin operated laundry
Business training	Dormitory	Leather goods or luggage store
Card and stationery store	Driving instruction	Legal service
Catalog showroom	Drug store	Library
Caterer	Dry cleaning store	Live-work unit
Child care center	Educational institution	Loan office
Child care home (class I or II)	Embroidery	Marketing agency
Chiropractor	Employment agency	Martial arts training
Cigarette/tobacco/cigar store	Engineer	Massage therapy
Clinic	Entertainment facility	Meat or fish market
Clock/watch/ jewelry sales/repair	Fabric shop	Medical training
Clothing store	Farmer's market (incl. outdoor)	Micro or mini-brewery
Club, private	Finance agency	Model unit
Coffee shop	Financial planning service	Mortgage service
Coin shop	Fireworks sales	Motel
Collection agency	Fitness center	Movie/game sales and rental
Community center	Flea market	Multiple family complex
Community garden	Floor covering store	Multiple family dwelling
Computer sales and service	Florist	Museum
Computer software store	Foundation office	Music instruction
Computer training	Fraternity house	Music store
Confectionery/ice cream/candy	Fruit/vegetable store	Music/recording studio
Consignment shop	Funeral home	Musical instrument store
Consulting service	Furniture store	Nail salon
Consumer electronics sales/service	Furrier	Neighborhood facility
Convenience store	Gift shop	Nursing home
Copy or duplicating service	Glass cutting/glazing shop	Nutrition service
Correctional services facility	Graphic design service	Ophthalmologist
Cosmetic store	Grocery store or supermarket	Optician
Costume and clothing rental	Group residential facility (large) ⁽²⁾	Optometrist
Counseling service	Group residential facility (small)	Package liquor store
Craft instruction	Gymnastics instruction	Paint store
Craft studio	Hardware store	Park or recreation area
Craft supply store	Haunted house	Parking area ⁽²⁾
Credit service	Health center	Parking area (off-site)
Credit union	Health club	Parking structure
Customer service facility	Heating sales	Pet store
Dance instruction	Hobby shop	Photographic supply store
Data processing facility	Homeless/emergency shelter	Photography training
Data storage facility	Hospice care center	Physical therapy facility

FORT WAYNE ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
Picture framing facility	Security service	Tennis club
Planetarium	Shoe store/shoe repair shop	Theater
Planner	Sign sales store	Tire sales
Podiatrist	Skating rink	Title company
Pottery sales	Sleep disorder facility	Townhouse complex
Public transportation or similar public facility	Social service agency	Toy store
Propane/bottled gas sales	Sorority house	Travel agency
Radio station	Sporting goods sales and rentals	Treatment center
Real estate	Stained glass studio	Tutoring service
Reception /banquet hall	Stock and bond broker	Variety store
Rehabilitation facility	Surgery center	Veterinary clinic
Religious institution /school field	Swim club	Warehouse/storage facility
Rental and/or leasing store	Swimming pool /hot tub sales	Wedding consultant
Rescue mission	Tailor/alterations service	Weight loss service
Residential dwelling unit ⁽¹⁾	Tanning salon	Wind energy conversion (micro) ⁽²⁾
Residential facility for homeless individuals ⁽²⁾	Tattoo establishment	Window sales
Restaurant , including drive-through	Tax consulting	Yoga/pilates instruction
Retirement facility	Taxi service	Zoo
Savings and loan	Telephone sales and service	
School	Television station	
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use		
(2) If not adjacent to a residential district		

FORT WAYNE ZONING ORDINANCE

(D) **Special Uses**

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Automobile maintenance (quick service)**
- (2) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (4) **Gas station** (including **convenience store**)
- (5) **Greenhouse**
- (6) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (7) **Home business** (for single **family detached buildings** only; see § 157.503(D)(3)(b) for additional standards)
- (8) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (9) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (11) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**)
- (12) **Plant nursery** (retail)
- (13) **Recreation facility or use**, outdoor (athletic field, **riding stable**)
- (14) **Religious institution or school** illuminated athletic field(s)
- (15) **Residential facility for a court-ordered re-entry program**
- (16) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (17) **Shooting range** (indoor)
- (18) **Solar panel (ground mounted)**
- (19) **Utility facility, private** (not otherwise permitted or exempt)
- (20) **Wind energy conversion (WEC) system** (standard, or more than 1 micro system)
- (21) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(E) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(F) Development Standards

- (1) The standards in the following table shall apply in the SC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, parking, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.216 C3 GENERAL COMMERCIAL

(A) Purpose

The General Commercial **district** is intended to provide areas for a variety of commercial **uses** including certain high intensity **uses** not permitted in C1 and C2 **districts**. **Uses** typically found within this **district** include moderate intensity general business, community, office, **personal service**, and retail **uses**, along with certain residential facilities. Commercial **uses** in this **district** often serve the general public and therefore are usually located along **arterial** or collector roadways.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in a C3 **district**; unless otherwise noted, **primary uses** shall be permitted to have outdoor components. In C3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** by a **solid fence**.

C3 GENERAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Arcade	Automobile rental
Accountant	Architect	Automobile repair
Adoption service	Arena	Automobile restoration
Adult care center	Art gallery	Automobile rustproofing
Adult care home	Art instruction	Automobile sales
Advertising	Artist material and supply store	Automobile washing facility
Agricultural equipment sales	Artist studio	Bait sales
Agricultural equipment service	Assisted living facility	Bakery goods
Agricultural supply sales	Athletic field	Bank
Air conditioning sales	Attorney	Bankruptcy service
Air conditioning service	Auction hall	Bar or tavern
Amusement park ⁽²⁾	Auction service	Barber shop
Animal grooming	Audiologist	Barber/beauty school
Animal hospital	Audio-visual studio	Batting cages
Animal kennel	Automatic teller machine	Beauty shop
Animal obedience school	Automobile accessory store	Bed and breakfast
Answering service	Automobile auction	Betting or other gambling facility
Antique shop	Automobile body shop	Bicycle sales and repair shop
Apparel and accessory store	Automobile detailing or trim shop	Billiard or pool hall
Appraiser	Automobile maintenance	Bingo establishment

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Blood bank	Data processing facility	Golf course, miniature
Blood or plasma donor facility	Data storage facility	Golf driving range
Boarding/lodging house	Dating service	Graphic design service
Boat/watercraft sales	Day care	Greenhouse
Book store	Day spa	Grocery store or supermarket
Bookkeeping service	Delicatessen	Group residential facility (large) ⁽²⁾
Bowling alley	Dentist	Group residential facility (small)
Broker	Department store	Gun sales
Business training	Diagnostic center	Gymnastics instruction
Campus housing	Dialysis center	Hardware store
Card and stationery store	Diaper service facility	Haunted house
Catalog showroom	Dinner theater	Health center
Caterer	Doctor	Health club
Check cashing	Dormitory	Heating sales
Child care center	Driving instruction	Heating service
Child care home (class I or II)	Drug store	Hobby shop
Chiropractor	Dry cleaning store	Home improvement store
Cigarette/tobacco/cigar store	Educational institution	Homeless/emergency shelter ⁽²⁾
Clinic	Embroidery	Hospice care center
Clock/watch/ jewelry sales/repair	Employment agency	Hospital
Clothing store	Engine repair	Hotel
Club, private	Engineer	Insurance agency
Coffee shop	Entertainment facility	Interior decorating store
Coin shop	Equipment rental (limited)	Interior design service
Collection agency	Equipment service	Internet/web site service
Community center	Exhibit hall	Investment service
Community garden	Exterminator	Laboratory
Computer sales and service	Fabric shop	Landscape contracting service
Computer software store	Feed store	Land surveyor
Computer training	Finance agency	Laundromat/coin operated laundry
Confectionery/ice cream/candy store	Financial planning service	Leather goods or luggage store
Consignment shop	Fireworks sales	Legal service
Consulting service	Fitness center	Library
Consumer electronics sales/service	Flea market	Live-work unit
Convenience store	Floor covering store	Loan office
Copy or duplicating service	Florist	Manufactured home sales
Correctional services facility	Foundation office	Marketing agency
Cosmetic store	Fraternity house	Martial arts training
Costume and clothing rental	Fruit/vegetable store	Massage therapy
Counseling service	Funeral home	Meat or fish market
Country club	Furniture refinishing/repair	Medical training
Craft instruction	Furniture store	Micro or mini-brewery or brewpub
Craft studio	Furrier	Model unit
Craft supply store	Garage sales	Mortgage service
Credit service	Gas station	Motel
Credit union	Gift shop	Motor vehicle rental
Customer service facility	Glass cutting/glazing shop	Motor vehicle sales
Dance instruction	Go-kart facility ⁽²⁾	Movie and game sales and rental

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Multiple family complex	Public transportation or similar public facility	Tattoo establishment
Multiple family dwelling	Propane/bottled gas sales and service	Tax consulting
Museum	Radio station	Taxi service
Music instruction	Real estate	Taxidermist
Music store	Reception/banquet hall	Telephone sales and service
Music/recording studio	Recreation uses, outdoor ⁽²⁾	Television station
Musical instrument store	Rehabilitation facility	Tennis club
Nail salon	Religious institution/school field	Theater
Neighborhood facility	Rental and/or leasing store	Tire sales
Nursing home	Residential dwelling unit ⁽¹⁾	Title company
Nutrition service	Residential facility for homeless individuals ⁽²⁾	Towing service (with no storage yard)
Ophthalmologist	Restaurant , including drive-through	Townhouse complex
Optician	Retirement facility	Toy store
Optometrist	Riding stable	Trade show facility
Package liquor store	Savings and loan	Travel agency
Paint store	School	Treatment center
Park or recreation area	Seasonal sales	Truck fueling station
Parking area ⁽²⁾	Security service	Truck stop
Parking area (off-site)	Shoe store/shoe repair shop	Tutoring service
Parking structure	Shooting range (indoor)	Variety store
Pawn shop	Sign sales store	Veterinary clinic
Pest control	Skating rink	Warehouse/ storage facility
Pet store	Sleep disorder facility	Water park
Photographic supply store	Social service agency	Wind energy conversion system (micro) ⁽²⁾
Photography training	Sorority house	Wedding consultant
Physical therapy facility	Sporting goods sales and rentals	Weight loss service
Picture framing facility	Stadium/racetrack ⁽²⁾	Wholesale facility
Planetarium	Stained glass studio	Window repair
Planner	Stock and bond broker	Window sales
Plant nursery	Storage shed sales	Yoga/pilates instruction
Plumbing sales	Surgery center	Zipline
Plumbing service	Swim club	Zoo
Podiatrist	Tailor/alterations service	
Pottery sales	Tanning salon	
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district		

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (4) **Home business** (for single **family detached buildings** only; see § 157.503(D)(3)(b) for additional standards)
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (6) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional **standards**)
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (8) **Parking area, as a primary use** (if **adjacent** to a **residential district**)
- (9) **Recreation use, outdoor** (amusement park, go-cart facility, **stadium/race track**; if **adjacent** to a **residential district**)
- (10) **Residential facility for a court-ordered re-entry program**
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (12) **Solar panel (ground mounted)**
- (13) **Tree service**
- (14) **Utility facility, private** (not otherwise permitted or exempt)
- (15) **Wind energy conversion (WEC) system (standard, or more than 1 micro system)**
- (16) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq ft	25'	5'
Over 25' or	Over 200 sq ft	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.217 C4 INTENSIVE COMMERCIAL

(A) Purpose

The Intensive Commercial **district** is intended to provide areas for general commercial **uses**, along with higher intensity **uses** not permitted in the C1, C2 or C3 **districts**. Commercial **uses** in this **district** often serve the general public and therefore are usually located along major arterial and/or collector roadways. It is intended that new C4 **zoning districts** not be created **adjacent** to existing **residential zoning districts**.

(B) Permitted Uses

In C4 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** by a **solid fence**. The following **uses** are permitted as a matter of right in a C4 **district**; all **uses** shall be permitted to have outdoor components.

C4 INTENSIVE COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Arcade	Automobile rental
Accountant	Architect	Automobile repair
Adoption service	Arena	Automobile restoration
Adult care center	Art gallery	Automobile rustproofing
Adult care home	Art instruction	Automobile sales
Advertising	Artist material and supply store	Automobile washing facility
Agricultural equipment sales	Artist studio	Bait sales
Agricultural equipment service	Assisted living facility	Bakery goods
Agricultural supply sales	Athletic field	Bank
Air conditioning sales	Attorney	Bankruptcy service
Air conditioning service	Auction hall	Bar or tavern
Amusement park ⁽²⁾	Auction service	Barber shop
Animal grooming	Audiologist	Barber/beauty school
Animal hospital	Audio-visual studio	Batting cages
Animal kennel	Automatic teller machine	Beauty shop
Animal obedience school	Automobile accessory store	Bed and breakfast
Answering service	Automobile auction	Betting or other gambling facility
Antique shop	Automobile body shop	Bicycle sales and repair shop
Apparel and accessory store	Automobile detailing or trim shop	Billiard or pool hall
Appraiser	Automobile maintenance	Bingo establishment

FORT WAYNE ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Blood bank	Data processing facility	Go-kart facility
Blood or plasma donor facility	Data storage facility	Golf course, miniature
Boarding/lodging house	Dating service	Golf driving range
Boat/watercraft sales	Day care	Graphic design service
Book store	Day spa	Greenhouse
Bookkeeping service	Delicatessen	Grocery store or supermarket
Bowling alley	Dentist	Group residential facility (large) ⁽²⁾
Broker	Department store	Group residential facility (small)
Business training	Diagnostic center	Gun sales
Card and stationery store	Dialysis center	Gymnastics instruction
Catalog showroom	Diaper service facility	Hardware store
Caterer	Dinner theater	Haunted house
Check cashing	Doctor	Health center
Child care center	Dormitory	Health club
Child care home (class I or II)	Driving instruction	Heating sales
Chiropractor	Drug store	Heating service
Cigarette/tobacco/cigar store	Dry cleaning store	Hobby shop
Clinic	Educational institution	Homeless/emergency shelter ⁽²⁾
Clock/watch/ jewelry sales/repair	Embroidery	Hospice care center
Clothing store	Employment agency	Hospital
Club, private	Engine repair	Hotel
Coffee shop	Engineer	Insurance agency
Coin shop	Entertainment facility	Interior decorating store
Collection agency	Equipment rental (limited)	Interior design service
Community center	Equipment service	Internet/web site service
Community garden	Exhibit hall	Investment service
Computer sales and service	Exterminator	Laboratory
Computer software store	Fabric shop	Landscape contracting service
Computer training	Feed store	Land surveyor
Confectionery/ice cream/candy	Finance agency	Laundromat/coin operated laundry
Consignment shop	Financial planning service	Leather goods or luggage store
Consulting service	Fireworks sales	Legal service
Consumer electronics sales/service	Fitness center	Library
Convenience store	Flea market	Live-work unit
Copy or duplicating service	Floor covering store	Loan office
Correctional service facility	Florist	Marketing agency
Cosmetic store	Foundation office	Martial arts training
Costume and clothing rental	Fraternity house	Massage therapy
Counseling service	Fruit/vegetable store	Meat or fish market
Country club	Funeral home	Medical training
Craft instruction	Furniture refinishing/repair	Micro/mini- brewery , brewpub
Craft studio	Furniture store	Mortgage service
Craft supply store	Furrier	Motel
Credit service	Garage sales	Motor vehicle rental
Credit union	Gas station	Motor vehicle sales
Customer service facility	Gift shop	Movie and game sales and rental
Dance instruction	Glass cutting/glazing shop	Multiple family complex

FORT WAYNE ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Multiple family dwelling	Propane/bottled gas sales and service	Tanning salon
Museum	Radio station	Tattoo establishment
Music instruction	Real estate	Tax consulting
Music store	Reception/banquet hall	Taxi service
Music/recording studio	Recreation uses, outdoor ⁽²⁾	Taxidermist
Musical instrument store	Rehabilitation facility	Telephone sales and service
Nail salon	Religious institution/school field	Television station
Neighborhood facility	Rental and/or leasing store	Tennis club
Nursing home	Residential dwelling unit ⁽¹⁾	Theater
Nutrition service	Residential facility for homeless individuals ⁽²⁾	Tire sales
Ophthalmologist	Restaurant, including drive-through	Title company
Optician	Retirement facility	Towing service (with no storage yard)
Optometrist	Riding stable	Townhouse complex
Package liquor store	Savings and loan	Toy store
Paint store	School	Trade show facility
Park or recreation area	Seasonal sales	Travel agency
Parking area ⁽²⁾	Security service	Treatment center
Parking area (off-site)	Sexually oriented business ⁽³⁾	Truck fueling station
Parking structure	Shoe store/shoe repair shop	Truck stop
Pawn shop	Shooting range (indoor)	Tutoring service
Pest control	Sign sales store	Variety store
Pet store	Skating rink	Veterinary clinic
Photographic supply store	Sleep disorder facility	Warehouse/storage facility
Photography training	Social service agency	Water park
Physical therapy facility	Sorority house	Wind energy conversion system (micro) ⁽²⁾
Picture framing facility	Sporting goods sales and rentals	Wedding consultant
Planetarium	Stadium/racetrack	Weight loss service
Planner	Stained glass studio	Wholesale facility
Plant nursery	Stock and bond broker	Window repair
Plumbing service	Storage shed sales	Window sales
Podiatrist	Surgery center	Yoga/pilates instruction
Pottery sales	Swim club	Zipline
Public transportation or similar public facility	Tailor/alteration service	Zoo
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district (3) The property where the use is proposed shall be located at least: (a) 500 ft. from any existing Allen County or Fort Wayne A or R district (b) 1,000 ft. from any existing or pending sexually oriented business (c) 750 ft. from any existing or pending religious institution or school		

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (4) **Home business** (for single **family** detached **dwellings** only; see § 157.503(D)(3)(b) for additional standards)
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (6) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**)
- (9) **Recreation use**, outdoor (amusement park, go-cart facility, **stadium/race track**; if **adjacent** to a **residential district**)
- (10) **Residential facility for a court-ordered re-entry program**
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (12) **Shooting range** (outdoor)
- (13) **Solar panel (ground mounted)**
- (14) **Tree service**
- (15) **Utility facility, private** (not otherwise permitted or exempt)
- (16) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the C4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq ft	25'	5'
Over 25' or	Over 200 sq ft	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.218 DC DOWNTOWN CORE

(A) Purpose

The Downtown Core **district** is intended to recognize downtown Fort Wayne as the heart of the **City** and the regional economic and cultural hub for Northeast Indiana. This area should also serve as a 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, residential, retail, **restaurant**, and similar **uses** along with the provision of **public parks** and other gathering spaces. **Development** following the recommendations of the Fort Wayne Downtown **Design Standards** and other adopted 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 the downtown. 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**.

(B) Permitted Uses

The **uses** listed below are permitted as a matter of right in the DC **district**.

DC DOWNTOWN CORE USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, general
Automobile service, limited	Medical facility or office	Residential facility, limited
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation, general	Universally permitted use
Food and beverage service	Recreation/Tourism, limited	Miscellaneous use

DC DOWNTOWN CORE SPECIFIC PERMITTED USES		
Accessory building/structure/use	Art instruction	Betting or other gambling facility
Accountant	Artist material and supply store	Bicycle sales and repair shop
Adoption service	Artist studio	Billiard or pool hall
Adult care center	Assisted living facility	Bingo establishment
Adult care home	Attorney	Blood bank
Advertising	Audiologist	Blood or plasma donor facility
Air conditioning sales	Audio-visual studio	Boarding house
Animal grooming (indoor)	Automobile accessory store (indoor)	Book store
Animal hospital (indoor)	Automobile rental (indoor)	Bookkeeping service
Animal kennel (indoor)	Automobile sales (indoor)	Botanical conservatory
Animal obedience school (indoor)	Bait sales	Bowling alley
Answering service	Bakery goods	Broker
Antique shop	Bank	Business training
Apparel and accessory store	Bankruptcy service	Card and stationery store
Appraiser	Bar or tavern	Catalog showroom
Arcade	Barber shop	Caterer
Architect	Barber/beauty school	Child care center
Arena	Beauty shop	Child care home (class I or II)
Art gallery	Bed and breakfast	Chiropractor

FORT WAYNE ZONING ORDINANCE

DC DOWNTOWN CORE SPECIFIC PERMITTED USES		
Cigarette/tobacco/cigar store	Embroidery	Martial arts training
Clinic	Employment agency	Massage therapy
Clock/watch/jewelry sales/repair	Engineer	Meat or fish market
Clothing store	Entertainment facility (indoor)	Medical training
Club, private	Exhibit hall	Micro or mini- brewery /brewpub
Coffee shop	Fabric shop	Model unit
Coin shop	Farmer's market (w/outdoor uses)	Mortgage service
Collection agency	Finance agency	Movie and game sales and rental
Community center	Financial planning service	Multiple family complex
Community garden	Fireworks sales (indoor)	Multiple family dwelling
Computer sales and service	Fitness center	Museum
Computer software store	Flea market (indoor)	Music instruction
Computer training	Floor covering store	Music store
Confectionery/ice cream/candy store	Florist	Music/recording studio
Consignment shop	Foundation office	Musical instrument store
Consulting service	Fraternity house	Nail salon
Consumer electronics sales/service	Fruit and/or vegetable store	Neighborhood facility
Convenience store	Funeral home	Nursing home
Copy or duplicating service	Furniture store	Nutrition service
Correctional services facility	Furrier	Ophthalmologist
Cosmetic store	Gift shop	Optician
Costume and clothing rental	Glass cutting/glazing shop	Optometrist
Counseling service	Graphic design service	Package liquor store
Craft instruction	Grocery store or supermarket	Paint store
Craft studio	Gymnastics instruction	Park or recreation area
Craft supply store	Hardware store	Parking area (off-site)
Credit service	Health center	Parking structure ⁽¹⁾
Credit union	Health club	Pet store
Customer service facility	Heating sales	Photographic supply store
Dance instruction	Hobby shop	Photography training
Data processing facility	Hospice care center	Physical therapy facility
Data storage facility	Hospital	Picture framing facility
Dating service	Hotel	Planetarium
Day care	Insurance agency	Planner
Day spa	Interior decorating store	Podiatrist
Delicatessen	Interior design service	Public transportation or similar public facility
Dentist	Internet/web site service	Radio station
Department store	Investment service	Real estate
Diagnostic center	Laboratory	Reception /banquet hall
Dialysis center	Land surveyor	Rehabilitation facility
Diaper service facility	Laundromat/coin operated laundry	Religious institution/school field
Dinner theater	Leather goods or luggage store	Rental and/or leasing store
Doctor	Legal service	Residential dwelling unit ⁽²⁾
Dormitory	Library	Restaurant , including drive-through
Driving instruction	Live-work unit	Retirement facility
Drug store	Loan office	Riding stable
Dry cleaning store	Laundromat/coin operated laundry	Savings and loan
Educational institution	Marketing agency	School

FORT WAYNE ZONING ORDINANCE

DC DOWNTOWN CORE SPECIFIC PERMITTED USES		
Security service	Surgery center	Toy store
Self-service storage facility ⁽¹⁾	Swim club (indoor)	Travel agency
Shoe store/shoe repair shop	Tailor/alteration service	Treatment center
Sign sales store	Tanning salon	Tutoring service
Skating rink	Tattoo establishment	Variety store
Sleep disorder facility	Tax consulting	Veterinary clinic
Social service agency	Taxi service	Water park
Sorority house	Telephone sales and service	Wedding consultant
Sporting goods sales and rentals	Television station	Weight loss service
Stadium	Tennis club (indoor)	Window sales
Stained glass studio	Theater (indoor)	Yoga/pilates instruction
Stock and bond broker	Title company	Zoo
Note: (1) If integrated within the footprint of a new building for a permitted primary use (2) Above, to the rear of, or attached to a permitted nonresidential use		

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal)
- (2) **Community garden** that includes a **structure**
- (3) **Group residential facility (large)**
- (4) **Group residential facility (small)**
- (5) **Home business** (see § 157.503(D)(3)(b) for additional standards)
- (6) **Homeless/emergency shelter**
- (7) **Model unit** (for extension of time/expansion of scope)
- (8) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (9) **Parking structures** (public or private)

Parking structures integrated within the footprint of a new **building** for a permitted **primary use** shall not require a **special use** approval under this provision. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) **Parking structures** should contain commercial or residential **uses** along the **street frontages** where practical to encourage **pedestrian oriented uses** and activity at the **street level**. If commercial or residential **uses** are not provided, **parking structures** shall maintain a minimum 10' **setback** along **yards** with a **street frontage**. The **Board** may require a greater **setback** on a case-by-case basis.
- (b) The first two floors shall be adequately screened by landscaping and/or architectural features. If a new **parking structure** is connected to an existing or proposed **building** than the **parking structure** shall be compatible with that **building**.
- (c) If a new **parking structure** is not connected to an existing or proposed **building** then the **parking structure** shall be compatible with the proposed **building** or one or more **structures** adjoining to the **parking structure**.

- (10) **Pawn shop**
- (11) **Religious institution** or **school** illuminated athletic field(s)
- (12) **Residential facility for a court-ordered re-entry program**
- (13) **Residential facility for homeless individuals**
- (14) **Self-service storage (mini-warehouse facility)**, as a **primary use**

Parking structures integrated within the footprint of a new or existing **building** for a permitted **primary use** shall not require a **special use** approval under this provision.

- (15) **Solar panel (ground mounted)**
- (16) **Utility facility, private** (not otherwise permitted or exempt)

FORT WAYNE ZONING ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the DC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

DC DOWNTOWN CORE DEVELOPMENT STANDARDS	
Height (maximum) ⁽¹⁾	
Primary building ⁽²⁾	200'
Primary building within the area bounded by Superior Street , Jefferson Boulevard, Lafayette Street , and Ewing Street	500'
Accessory building or structure ⁽³⁾	Up to the height of the primary building
Front yard	
Non-through lot	0' minimum 10' maximum
Through lot	0' minimum 10' maximum
Side yard	
Primary building	0' minimum 10' maximum
Accessory building or structure ⁽⁴⁾	0' minimum 10' maximum
Rear yard	
Primary or accessory building or structure	No minimum rear yard
Notes: (1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (2) New primary structures shall be a minimum of 20 ft. in height and have two occupiable stories (3) Accessory structures shall not exceed 25% of the ground floor area of the primary building (4) Accessory buildings or structures shall be located to the side or rear of the primary building , and shall be constructed or placed to minimize visibility from public rights-of-way	

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽³⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining)	Permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes: <ul style="list-style-type: none"> (1) Except as noted in this table, buildings and structures shall not project into or be located in a required yard (2) May be located within required yard with no setback, except that fences and walls shall meet corner lot primary structure setback standard (3) Shall meet minimum primary structure setback (4) Up to 3' in height 			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.219 DE DOWNTOWN EDGE

(A) Purpose

The Downtown Edge **district** is intended to provide for a **transition** from the high density **mixed use development** within the Fort Wayne core downtown to the traditional urban residential neighborhoods that surround the downtown. The **district** is intended for a lower density **development** pattern than the DC **district**, but is still meant for predominately multiple **story structures** (typically between 2 and 6 stories). Like the DC **district**, this **district** is intended to provide for a **pedestrian oriented** mixture of cultural, entertainment, governmental, institutional, office, **personal service**, recreational, residential, **restaurant**, retail, and similar **uses** along with the provision of **public parks** and other gathering spaces. This **district** is also uniquely intended to provide opportunities for **artist studios**, live/work space, small offices, and other creative **uses**. 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 Standards** and any adopted plans for the downtown area should be encouraged.

(B) Permitted Uses

The **uses** listed below are permitted as a matter of right in the DE **districts**:

DE DOWNTOWN EDGE USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, general
Automobile service, limited	Medical facility or office	Residential facility, limited
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation, general	Universally permitted use
Food and beverage service	Recreation/Tourism, limited	Miscellaneous use

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES		
Accessory building/structure/use	Art instruction	Betting or other gambling facility
Accountant	Artist material and supply store	Bicycle sales and repair shop
Adoption service	Artist studio	Billiard or pool hall
Adult care center	Assisted living facility	Bingo establishment
Adult care home	Attorney	Blood bank
Advertising	Audiologist	Blood or plasma donor facility
Air conditioning sales	Audio-visual studio	Book store
Animal grooming (indoor)	Automobile accessory store (indoor)	Bookkeeping service
Animal hospital (indoor)	Automobile rental (indoor)	Botanical conservatory
Animal kennel (indoor)	Automobile sales (indoor)	Bowling alley
Animal obedience school (indoor)	Bait sales	Broker
Answering service	Bakery goods	Business training
Antique shop	Bank	Card and stationery store
Apparel and accessory store	Bankruptcy service	Catalog showroom
Appraiser	Bar or tavern	Caterer
Arcade	Barber shop	Child care center
Architect	Barber/beauty school	Child care home (class I)
Arena	Beauty shop	Chiropractor
Art gallery	Bed and breakfast	Cigarette/tobacco/cigar store

FORT WAYNE ZONING ORDINANCE

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES		
Clinic	Engineer	Marketing agency
Clock, watch, or jewelry sales/repair	Entertainment facility (indoor)	Martial arts training
Clothing store	Exhibit hall	Massage therapy
Club, private	Fabric shop	Meat or fish market
Coffee shop	Farmer's market (with outdoor uses)	Medical training
Coin shop	Finance agency	Micro or mini- brewery /brewpub
Collection agency	Financial planning service	Model unit
Community center	Fireworks sales (indoor)	Mortgage service
Community garden	Fitness center	Movie and game sales and rental
Computer sales and service	Flea market (indoor)	Multiple family complex
Computer software store	Floor covering store	Multiple family dwelling
Computer training	Florist	Museum
Confectionery/ice cream/candy store	Foundation office	Music instruction
Consignment shop	Fruit and/or vegetable store	Music store
Consulting service	Funeral home	Music/recording studio
Consumer electronics sales/service	Furniture store	Musical instrument store
Convenience store	Furrier	Nail salon
Copy or duplicating service	Gift shop	Neighborhood facility
Correctional services facility	Glass cutting/glazing shop	Newspaper publishing facility
Cosmetic store	Graphic design service	Nursing home
Costume and clothing rental	Grocery store or supermarket	Nutrition service
Counseling service	Gymnastics instruction	Ophthalmologist
Craft instruction	Hardware store	Optician
Craft studio	Health center	Optometrist
Craft supply store	Health club	Package liquor store
Credit service	Heating sales	Paint store
Credit union	Hobby shop	Park or recreation area
Customer service facility	Hospice care center	Parking area (off-site)
Dance instruction	Hospital	Parking structure ⁽¹⁾
Data processing facility	Hotel	Pet store
Data storage facility	Insurance agency	Photographic supply store
Dating service	Interior decorating store	Photography training
Day care	Interior design service	Physical therapy facility
Day spa	Internet/web site service	Picture framing facility
Delicatessen	Investment service	Planetarium
Dentist	Laboratory	Planner
Department store	Land surveyor	Podiatrist
Diagnostic center	Laundromat/coin operated laundry	Public transportation or similar public facility
Dialysis center	Leather goods or luggage store	Radio station
Diaper service facility	Legal service	Real estate
Dinner theater	Library	Reception /banquet hall
Doctor	Live-work unit	Rehabilitation facility
Dormitory	Loan office	Religious institution/school field
Driving instruction	Laundromat/coin operated laundry	Rental and/or leasing store
Drug store	Leather goods or luggage store	Residential dwelling unit ⁽²⁾
Dry cleaning store	Legal service	Restaurant , including drive-through
Educational institution	Library	Retirement facility
Embroidery	Live-work unit	Riding stable
Employment agency	Loan office	Savings and loan

FORT WAYNE ZONING ORDINANCE

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES		
School	Swim club (indoor)	Toy store
Security service	Tailor/alteration service	Travel agency
Shoe store/shoe repair shop	Tanning salon	Treatment center
Sign sales store	Tattoo establishment	Tutoring service
Skating rink	Tax consulting	Variety store
Sleep disorder facility	Taxi service	Veterinary clinic
Social service agency	Telephone sales and service	Water park
Sporting goods sales and rentals	Television station	Wedding consultant
Stadium	Tennis club (indoor)	Weight loss service
Stained glass studio	Theater (indoor)	Window sales
Stock and bond broker	Title company	Yoga/pilates instruction
Surgery center	Townhouse complex	Zoo
Note: (1) If integrated within the footprint of a new building for a permitted primary use (2) Above, to the rear of, or attached to a permitted nonresidential use		

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

(1) Accessory dwelling units (ADU)

An ADU may be constructed as a new detached **structure** or created as part of the **renovation** of a detached **garage**. An ADU shall not be **subdivided** or otherwise separated in ownership from the primary residential **structure**. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) The **accessory dwelling unit (ADU)** shall not exceed 40% of the floor area of the primary residence or 800 total square feet, whichever is less;
- (b) The ADU shall not exceed 600 square feet in **ground floor area**;
- (c) The ADU shall be no less than 250 square feet and have no more than two (2) bedrooms;
- (d) New ADU **structures** shall be located behind the **primary structure** and meet the **setback**, height, and **rear yard lot coverage** standards for **accessory structures**;
- (e) There shall be only one ADU per **lot**; and
- (f) As part of its review of a request for an ADU, the **Board** may also consider the size, bulk, scale and compatibility of the ADU, relative to the primary residence and other **structures** in the immediate area, and the size of the **lot**.

(2) Animal keeping (outdoor, small animal)

(3) Boarding house

(4) Child care home (class II)

(5) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted)

(6) Fraternity house

(7) Gas station (as a primary or accessory use)

In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

(a) Location and size requirements

The proposed **gas station/convenience store** shall meet the following requirements.

- (i) A new **gas station/convenience store** shall have a minimum of 100 feet of **frontage** on one of the following arterial roads: Washington Boulevard, Jefferson Boulevard, Clinton **Street**, and Lafayette **Street**.
- (ii) The **primary building** shall be at least 2,000 square feet in size.

(b) Building/canopy orientation

The preferred **building/canopy** orientation for a **gas station/convenience store** is for the **primary building** to be located near the **street** and the **canopy** and service pumps to be located behind the **primary building**, however alternate layouts may be approved provided they comply with the appropriate design requirements (see §157.219(C)(7)(d), (e), and (f) below).

(c) General design standards

- (i) The **primary building** and any canopies shall be compatible with architecture and **development** pattern of the surrounding area and be adequately screened from

FORT WAYNE ZONING ORDINANCE

adjacent residential **uses**. To enhance compatibility, **structures** should provide variation in rooflines and utilize similar forms and materials.

- (ii) **Canopy** lighting shall be recessed with the **canopy** constructed to shield the light fixtures to avoid **glare** on public rights of way and/or **adjacent** properties.
 - (iii) There shall be at least one unobstructed pedestrian walkway at least five (5) feet wide connecting the **primary building** to an **adjacent** public sidewalk.
 - (iv) Except for the vehicular access **driveways**, all pavement, parking and drive lanes shall be located a minimum of eight (8) feet from any **lot line**. These **setback** areas shall be landscaped and low **walls** are encouraged along **street frontages**.
 - (v) A minimum of one bicycle rack shall be provided.
 - (vi) For the purposes of this subsection the determination of a **rear yard** for a **lot** having **frontages** on two **streets** shall be determined as that part of the **lot** that is parallel to the **street** having the highest traffic volume.
- (d) Design requirements based on orientation of the **primary building** at **street** (meeting the required **front yard setback**), with the **canopy** located behind the **primary building**
- (i) **Primary Building** and **Canopy** Attachment
Under this design option it is not required that the **canopy** be attached to the **primary structure**, however it would be encouraged.
 - (ii) **Canopy** location and design
The **canopy** shall be located a minimum of twenty (20) feet from side and **rear lot lines**. Other than **setback**, there are no special design requirements for the **canopy** under this option, however, varied rooflines for the **canopy** and decorative designs (using materials such as brick or stone) for the **canopy** support columns/poles are encouraged.
 - (iii) Front and side **wall** design.
The front and any side **wall** of the **primary building** that faces a **street** shall have **windows** or the appearance of **windows**.
- (e) Design Requirements based on orientation of the **primary building** at **street** (meets required **front yard setback**), **canopy** located to the side of the **primary building**
- (i) **Primary building** and **canopy** attachment
Under this design option the **canopy** shall be attached to the **primary building**. The width of the **canopy** attachment shall be a minimum of thirty (30) percent of the length of the **canopy** side that is parallel and closest to the **primary building**. In no case shall the **canopy** connection be less than twenty (20) feet.
 - (ii) **Canopy** location and design
Under this design option the **canopy** shall have a varied roofline and **use** similar forms and materials as those used on the **primary building**. The **canopy** shall have the same or greater **front yard setback** than the **primary building**. The **canopy** shall not be required to have decorative designs for the **canopy** columns, unless the **canopy** is located having **frontage** on two **streets**. In cases where decorative design for **canopy** columns is required, such columns shall be designed of brick or stone or other material to achieve a similar decorative affect.

FORT WAYNE ZONING ORDINANCE

- (iii) Front and side **wall** design

The front and any side **wall** of the **primary building** that faces a **street** shall have **windows** or the appearance of **windows**.

- (f) Design Requirements based on orientation of the **primary building** behind the **canopy**

- (i) **Primary building** and **canopy** attachment

Under this design option the **canopy** shall be attached to the **primary building**. The width of the **canopy** attachment shall be a minimum of thirty (30) percent of the length of the **canopy** side that is parallel and closest to the **primary building**. In no case shall the **canopy** connection be less than twenty (20) feet.

- (ii) **Canopy** location and design

Under this design option the **canopy** shall have a varied roofline and **use** similar forms and materials as those used on the **primary building** and utilize decorative designs for the **canopy** columns. Materials used for the **canopy** columns shall consist of brick or stone or other material to achieve a similar decorative affect. Attached canopies meeting the standards noted in this section shall be considered a part of the **primary structure** for the purposes of determining **building setbacks**.

- (iii) Front and side **wall** design

The front and any side **wall** of the **primary building** that faces a **street** shall have **windows** or the appearance of **windows**.

- (8) **Group residential facility (large)**

- (9) **Group residential facility (small)**

- (10) **Home business** (for single **family detached buildings** only; see § 157.503(D)(3)(b) for additional standards)

- (11) **Homeless/emergency shelter** (accessory to a **religious institution**)

- (12) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)

- (13) **Model unit** (for extension of time/expansion of scope)

- (14) **Nature preserve** (with parking areas or **structures**)

- (15) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)

- (16) **Parking structures** (public or private)

Parking structures integrated within the footprint of a new **building** for a permitted **primary use** shall not require a **special use** approval under this provision. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) **Parking structures** should contain commercial or residential **uses** along the **street frontages** where practical to encourage **pedestrian oriented uses** and activity at the **street** level. If commercial or residential **uses** are not provided, **parking structures** shall maintain a minimum 10' **setback** along **yards** with a **street frontage**. The **Board** may require a greater **setback** on a case-by-case basis.

FORT WAYNE ZONING ORDINANCE

- (b) The first two floors shall be adequately screened by landscaping and/or architectural features. If a new **parking structure** is connected to an existing or proposed **building**, then the **parking structure** shall be compatible with that **building**.
 - (c) If a new **parking structure** is not connected to an existing or proposed **building**, then the **parking structure** shall be compatible with the proposed **building** or one or more **structures** adjoining to the **parking structure**.
- (17) **Pawn shop**
 - (18) **Religious institution** or **school** illuminated athletic field(s)
 - (19) **Residential facility for a court-ordered re-entry program**
 - (20) **Residential facility for homeless individuals**
 - (21) **Single family dwelling (detached)**
 - (22) **Solar panel (ground mounted)**
 - (23) **Sorority house**
 - (24) **Utility facility, private** (not otherwise permitted or exempt)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) **Development Standards**

- (1) The standards in the following table shall apply in the DE **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

DE DOWNTOWN EDGE DEVELOPMENT STANDARDS	
Height (maximum) ⁽¹⁾	
Primary building ⁽²⁾	60'
Accessory building or structure ⁽³⁾	60'
Front yard	
All lots	0' minimum 20' maximum
Side yard ⁽⁴⁾	
Accessory and primary buildings and structures – interior side yard	5'
Accessory and primary buildings and structures – corner lot side street	0' minimum 20' maximum
Rear yard ⁽⁴⁾	
Accessory or primary building	25'
Notes: (1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (2) New primary structures shall be a minimum of 20 ft. in height (3) Accessory structures shall not exceed 25% of the ground floor area of the primary building (4) Accessory buildings or structures shall be located to the side or rear of the primary building , and shall be constructed or placed to minimize visibility from public rights-of-way	

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2'	May project up to 2'
Awning or canopy ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Balcony or open stairway ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽⁴⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽²⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Wall (freestanding ; permitted up to 8' in height)	Not permitted ⁽⁵⁾	Permitted ⁽⁶⁾	Permitted ⁽⁶⁾
Wall (retaining)	Permitted ⁽⁷⁾	Permitted ⁽⁶⁾	Permitted ⁽⁶⁾
Notes: (1) May be located within required yard with no setback (2) However, a 3' side yard shall be maintained (3) However, a 5' rear yard shall be maintained (4) If not adjacent to a residential district ; shall not project if adjacent to a residential district (5) Shall meet minimum primary structure setback (6) However, fences and walls shall meet corner lot primary structure setback standard (7) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

§ 157.220 UC URBAN CORRIDOR

(A) Purpose

The Urban Corridor **district** is intended to recognize that certain commercial corridors have special importance to the community because of their collective, cohesive identity, historic character, urban **development** patterns, relationship to the surrounding neighborhood, **pedestrian oriented streetscapes**, and distinct urban architecture and form. In keeping with this intent, the UC **district** should allow for and encourage mixed **uses** with a focus on neighborhood oriented commercial and **personal service uses** at the **street** level. New **development** is encouraged to be compatible with the existing historic **development** patterns by locating **buildings** close to the **street** in order to enhance pedestrian activity along the corridor. New residential **development** is encouraged to locate on the upper floors of new and existing commercial **structures**. Parking standards in these areas should accommodate historic **development** patterns which typically allow for on-**street** parking, the **use** of **alleys** to access parking areas behind **buildings** as well as access to public transit routes and alternative transportation modes. Urban Corridor **districts** should generally be located along **arterial streets** in neighborhoods surrounding the core of the **City**. Examples of these **streets** would include, but not be limited to, portions of Broadway, Calhoun **Street**, West Main **Street**, Pontiac **Street**, East State **Street**, and Wells **Street**.

(B) Permitted Uses

The **uses** listed below are permitted as a matter of right in the UC **districts**; drive-through facilities, **gas stations** and/or gas pumps/canopies shall not be permitted as either a primary or an **accessory use** in this **district**.

UC URBAN CORRIDOR USE CATEGORIES		
Clothing	Medical facility or office	Residential facility, limited
Community facility	Personal service	Retail, limited
Electronics	Professional office/business service	Studio
Food and beverage service	Recreation/Tourism, limited	Universally permitted use
Instruction/training/education	Residential facility, general	Miscellaneous use

UC URBAN CORRIDOR SPECIFIC PERMITTED USES (drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)		
Accessory building/structure/use	Appraiser	Bait sales
Accountant	Arcade	Bakery goods
Adoption service	Architect	Bank
Adult care center	Art gallery	Bankruptcy service
Adult care home	Art instruction	Bar or tavern
Advertising	Artist material and supply store	Barber shop
Air conditioning sales	Artist studio	Barber/beauty school
Animal grooming (indoor)	Assisted living facility	Beauty shop
Animal hospital (indoor)	Attorney	Bed and breakfast
Animal kennel (indoor)	Audiologist	Bicycle sales and repair shop
Animal obedience school (indoor)	Audio-visual studio	Billiard or pool hall
Answering service	Automobile accessory store (indoor)	Bingo establishment
Antique shop	Automobile rental (indoor)	Blood bank
Apparel and accessory store	Automobile sales (indoor)	Blood or plasma donor facility

FORT WAYNE ZONING ORDINANCE

UC URBAN CORRIDOR SPECIFIC PERMITTED USES (drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)		
Boarding house	Dentist	Land surveyor
Book store	Department store	Laundromat/coin operated laundry
Bookkeeping service	Diagnostic center	Leather goods or luggage store
Bowling alley	Dialysis center	Legal service
Broker	Diaper service facility	Library
Business training	Dinner theater	Live-work unit
Card and stationery store	Doctor	Loan office
Catalog showroom	Dormitory	Marketing agency
Caterer	Driving instruction	Martial arts training
Child care center	Drug store	Massage therapy
Child care home (class I)	Dry cleaning store	Meat or fish market
Chiropractor	Educational institution	Medical training
Cigarette/tobacco/cigar store	Embroidery	Micro or mini-brewery/brewpub
Clinic	Employment agency	Model unit
Clock, watch, or jewelry sales/repair	Engineer	Mortgage service
Clothing store	Entertainment facility (indoor)	Movie and game sales and rental
Club, private	Fabric shop	Multiple family complex
Coffee shop	Farmer's market (with outdoor uses)	Multiple family dwelling
Coin shop	Finance agency	Museum
Collection agency	Financial planning service	Music instruction
Community center	Fireworks sales (indoor)	Music store
Community garden	Fitness center	Music/recording studio
Computer sales and service	Flea market (indoor)	Musical instrument store
Computer software store	Floor covering store	Nail salon
Computer training	Florist	Neighborhood facility
Confectionery/ice cream/candy store	Foundation office	Nursing home
Consignment shop	Fruit and/or vegetable store	Nutrition service
Consulting service	Funeral home	Ophthalmologist
Consumer electronics sales/service	Furniture store	Optician
Convenience store	Furrier	Optometrist
Copy or duplicating service	Gift shop	Package liquor store
Cosmetic store	Glass cutting/glazing shop	Paint store
Costume and clothing rental	Graphic design service	Park or recreation area
Counseling service	Grocery store or supermarket	Parking area (off-site)
Craft instruction	Gymnastics instruction	Parking structure ⁽¹⁾
Craft studio	Hardware store	Pet store
Craft supply store	Health club	Photographic supply store
Credit service	Heating sales	Photography studio
Credit union	Hobby shop	Photography training
Customer service facility	Hospice care center	Physical therapy facility
Dance instruction	Hospital	Picture framing facility
Data processing facility	Insurance agency	Planetarium
Data storage facility	Interior decorating store	Planner
Dating service	Interior design service	Podiatrist
Day care	Internet/web site service	Public transportation or similar public facility
Day spa	Investment service	Radio station
Delicatessen	Laboratory	Real estate

FORT WAYNE ZONING ORDINANCE

UC URBAN CORRIDOR SPECIFIC PERMITTED USES

(drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)

Reception /banquet hall	Sleep disorder facility	Title company
Rehabilitation facility	Social service agency	Townhouse complex
Religious institution /school field	Sporting goods sales and rentals	Townhouse dwelling
Rental and/or leasing store	Stained glass studio	Toy store
Residential dwelling unit	Stock and bond broker	Travel agency
Restaurant	Surgery center	Tutoring service
Retirement facility	Swim club (indoor)	Two family dwelling
Riding stable	Tailor/alteration service	Variety store
Savings and loan	Tanning salon	Veterinary clinic
School	Tattoo establishment ⁽²⁾	Wedding consultant
Security service	Tax consulting	Weight loss service
Shoe store/shoe repair shop	Taxi service	Window sales
Sign sales store	Telephone sales and service	Yoga/pilates instruction
Single family dwelling (attached)	Television station	Zoo
Single family dwelling (detached)	Tennis club (indoor)	
Skating rink	Theater (indoor)	

Note:

- (1) If integrated within the footprint of a new **building** for a permitted **primary use**
- (2) New tattoo facilities shall be located a minimum of 500 feet from any existing facility, as measured from the closest property lines.

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

- (1) **Animal keeping** (outdoor, small animal)
- (2) **Child care home (class II)**
- (3) **Community garden** that includes a **structure** or water
- (4) **Educational institution-associated uses** (on non-contiguous properties)
- (5) **Fraternity house**
- (6) **Group residential facility (large)**
- (7) **Group residential facility (small)**
- (8) **Home business** (for single **family detached buildings** only)
- (9) **Homeless/emergency shelter** (accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 157.503(D)(3)(e) for additional standards)
- (11) **Nature preserve** (with parking areas or **structures**)
- (12) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (13) **Parking structures** (public or private)

Parking structures integrated within the footprint of a new **building** for a permitted **primary use** shall not require a **special use** approval under this provision. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:

- (a) **Parking structures** should contain commercial or residential **uses** along the **street frontages** where practical to encourage **pedestrian oriented uses** and activity at the **street** level. If commercial or residential **uses** are not provided, **parking structures** shall maintain a minimum 10' **setback** along **yards** with a **street frontage**. The **Board** may require a greater **setback** on a case-by-case basis.
- (b) The first two floors shall be adequately screened by landscaping and/or architectural features. If a new **parking structure** is connected to an existing or proposed **building**, then the **parking structure** shall be compatible with that **building**.
- (c) If a new **parking structure** is not connected to an existing or proposed **building**, then the **parking structure** shall be compatible with the proposed **building** or one or more **structures** adjoining the **parking structure**.
- (14) **Recreation facility or use**, private (athletic field, **riding stable**, swim **club**, tennis **club**)
- (15) **Religious institution** or **school** illuminated athletic field(s)
- (16) **Residential facility for a court-ordered re-entry program**
- (17) **Residential facility for homeless individuals**
- (18) **Sorority house**
- (19) **Solar panel (ground mounted)**
- (20) **Subdivision amenity**
- (21) **Utility facility, private** (not otherwise permitted or exempt)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the UC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

UC URBAN CORRIDOR DEVELOPMENT STANDARDS	
Height (maximum) ⁽¹⁾	
Primary building ⁽²⁾	60'
Accessory building or structure ⁽³⁾	60'
Front yard	
Primary buildings and structures ⁽⁴⁾	0' minimum 10' maximum
Side yard ⁽⁴⁾	
Accessory and primary buildings and structures – interior side yard	0' minimum
Accessory and primary buildings and structures – corner lot side street	0' minimum 20' maximum
Rear yard	
Primary building	25'
Accessory building or structure	25' ⁽⁴⁾
Notes: (1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions (2) New primary structures shall be a minimum of 20 ft. in height have two occupiable stories (3) Accessory structures shall not exceed 25% of the ground floor area of the primary building (4) Accessory buildings or structures shall be located on the side of or to the rear of the primary building (if located on the side of the building , the accessory building or structure shall be located no closer to the front lot line than the primary building);	

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2'	May project up to 2'
Awning or canopy ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Balcony or open stairway ⁽⁴⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽³⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽⁴⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁵⁾	Not permitted ⁽⁵⁾	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽²⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽³⁾
Wall (freestanding ; permitted up to 8' in height)	Not permitted ⁽⁵⁾	Permitted ⁽⁶⁾	Permitted ⁽⁶⁾
Wall (retaining)	Permitted ⁽⁷⁾	Permitted ⁽⁶⁾	Permitted ⁽⁶⁾
Notes: (1) May be located within required yard with no setback (2) However, a 3' side yard shall be maintained (3) However, a 5' rear yard shall be maintained (4) If not adjacent to a residential district ; shall not project if adjacent to a residential district (5) Shall meet minimum primary structure setback (6) However, fences and walls shall meet corner lot primary structure setback standard (7) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.221 BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK

(A) Purpose

The **Business, Technology, and Industrial Park districts** are intended to create areas for the **development** of limited intensity assembly, fabrication, office, medical, technology, and research facilities, including **corporate campus** and similar **development**, with quality, integrated architectural and site design which is compatible with **adjacent development** and creates minimal impacts outside of the **buildings**.

(B) Permitted Uses

The following **uses** shall be permitted as a matter of right in a BTI district. **Outdoor display or storage** shall not be permitted.

BTI BUSINESS, TECHNOLOGY AND INDUSTRIAL PARK SPECIFIC PERMITTED USES	
Accessory building/structure/use	Limited assembly and fabrication of: (continued)
Apparel fabrication and processing	Optical instruments
Assembly of finished products	Scientific and precision instruments
Bioscience development/research testing	Service industry machines
Business incubation office or laboratory	Specialty equipment
Computer/other software	Machine design facility
Corporate campus	Machine tool shop
Cosmetic product compounding	Medical device technology
Information technology	Pharmaceutical product compounding
Internet applications or products	Product research and development
Laboratory (testing)	Technology use or service
Limited assembly and fabrication of:	Universally permitted use
Bio-medical/orthopedic products	Vehicle technology (advanced)
Communication and computation equipment	Warehouse/storage facility
Computers and electronics	Wholesale facility
Computer hardware products	Wind energy conversion system (micro) ⁽¹⁾
Industrial controls	Wind energy conversion system (standard) ⁽²⁾
Medical devices	Woodworking/carpentry
Orthopedic devices	
Notes:	
(1) If not adjacent to a residential district	
(2) If on land of over two acres not adjacent to a residential district	

FORT WAYNE ZONING ORDINANCE

(C) **Special Uses**

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) Illuminated **recreation field** (if **adjacent** to **residential district**)
- (3) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (4) **Solar panel (ground-mounted)**
- (5) **Wind energy conversion (WEC) system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (6) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the BTI **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, and drives			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.222 I1 LIMITED INDUSTRIAL

(A) Purpose

The Limited Industrial **district** is intended to provide areas in which goods are produced for direct consumption by consumers. Limited industrial **uses** typically involve final assembly of goods produced from prepared materials, finished products or parts; distribution of finished goods; low intensity industrial or **manufacturing** operations; or wholesale and/or **storage** activities. The I1 **district** may serve as a **buffer** between heavier industrial **districts** and business or **residential districts**.

(B) Permitted Uses

A limited industrial **use** creates minimal impacts outside of the **buildings** and includes limited **outdoor storage**. The following **uses** are permitted as a matter of right in an I1 **district**. **Outdoor storage** shall only be permitted between the rear of the **building** and the **rear lot line**, up to the square footage of the **primary structure**, and shall be screened from **adjacent** residential zoning and **public street** rights of way.

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building, structure, or use	Distribution facility for (continued):
Air freight service	Soft drinks
Apparel fabrication and processing	Steel
Bakery	Tires (new)
Bioscience development, research, or testing	Truck bodies
Boat dry dock facility	Vending machines
Brewery (micro)	Windows
Business incubation office or laboratory	Dry cleaning/laundry facility (central)
Computer/other software	Equipment rental (limited and general)
Contractor (construction, excavation, landscape)	Equipment supply facility for:
Cosmetic product compounding	Air purification
Crematory	Electrical
Dairy/creamery	Electric wire and cable
Distillery (micro)	Fire protection
Distribution facility for:	Food service
Batteries	Heating, ventilation, or air conditioning
Beer	Industrial
Building materials	Maintenance
Electrical parts	Mechanical
Food	Medical
Janitorial supplies	Power transmission
Lubrication	Radio/communication
Machines	Restaurant
Medical supplies	Telecommunication
Oil	Trade show/exhibit
Paint	Truck
Petroleum products	Water softening/purification
Pipe	Welding
Plumbing fixtures	Freight service

FORT WAYNE ZONING ORDINANCE

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Furniture production	Medical device technology
Group residential facility (large) ⁽¹⁾	Parking area ⁽¹⁾
Group residential facility (small)	Pharmaceutical product compounding
Homeless/emergency shelter	Printing facility
Laboratory (testing)	Printing press
Lathe/screw machine products	Product research and development
Limited assembly and fabrication of:	Refurbishing facility (household items)
Bio-medical/orthopedic products	Research and development facility
Communication and computation equipment	Residential facility for homeless individuals ⁽¹⁾
Computers and electronics	Technology use or service
Computer hardware products	Tool and die facility
Industrial controls	Utility facility (private)
Medical devices	Vehicle technology (advanced)
Orthopedic devices	Welding service
Optical instruments	Warehouse/storage facility
Scientific and precision instruments	Wholesale facility
Service industry machines	Wind energy conversion system (micro) ⁽¹⁾
Specialty equipment	Wind energy conversion system (standard) ⁽²⁾
Machine design facility	Winery (micro)
Machine tool shop	Woodworking/carpentry
Maintenance/repair facility (not otherwise permitted)	
Notes:	
(1) If not adjacent to a residential district	
(2) If on land of over two acres not adjacent to a residential district	

I1 LIMITED INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Recreation/Tourism, limited
Automobile service, limited	Instruction/training/education	Residential facility, general
Clothing	Medical facility or office	Retail, limited
Community facility	Personal service	Studio
Electronics	Professional office/business service	Universally permitted use

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) **Gas station**
The **Board** may consider the **gas station** size, **building/canopy** orientation, general **design** standards, and specific **primary building** orientation design requirements set forth for **gas stations** in §157.219(C)(7) (Downtown Edge **district**).
- (3) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (4) **Illuminated recreation field** (if **adjacent** to **residential district**)
- (5) **Metal and plastic extrusion and molding facility**
- (6) **Metal cutting facility**
- (7) **Metal fabricating facility**
- (8) **Metal processing facility** (anodizing, buffing, galvanizing, plating, and polishing)
- (9) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (10) **Processing facility (small scale)**
- (11) **Residential facility for a court-ordered re-entry program**
- (12) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (13) **Sheet metal fabrication and/or processing**
- (14) **Solar panel (ground-mounted)**
- (15) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (16) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq .ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building) ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outside activity behind the building) ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding ; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

§ 157.223 I2 GENERAL INDUSTRIAL

(A) Purpose

The General Industrial **district** is intended to provide areas for assembly, distribution, fabricating, **manufacturing**, and processing industries where the operation is enclosed within a **building** and conducted in such a manner that no adverse impacts are created or emitted outside of the **building(s)**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an I2 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the front façade of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way.

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building, structure, or use	Bottling facility
Air freight service	Brewery
Apparel fabrication and processing	Canvas product fabrication
Assembly of finished products	Ceramic product fabrication
Assembly facility for/manufacturing of:	Compounding of:
Adhesive/glue	Chemicals
Agricultural implements	Cleaning supplies
Aircraft	Cosmetics
Animal feed	Pharmaceuticals
Appliances	Contractor (construction, excavation, landscape)
Automobiles	Crematory
Bicycles	Distillery
Boats	Distribution facility for:
Carbon steel pipe and tubing	Batteries
Computers	Beer
Concrete and concrete products	Building materials
Electronics	Electrical parts
Insulation	Food
Manufactured homes	Janitorial supplies
Modular buildings	Lubrication
Motorcycles	Machines
Motors	Medical supplies
Paper/paper products	Oil
Recreational vehicles	Paint
Spas	Petroleum products
Stainless steel	Pipe
Steel	Plumbing fixtures
Tile	Soft drinks
Tires	Steel
Valves	Tires (new)
Bakery	Truck bodies
Bio-medical/orthopedic equipment	Vending machines
Bioscience development/research testing	Windows

FORT WAYNE ZONING ORDINANCE

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Equipment supply facility for:	Metal and plastic extrusion and molding facility
Air purification	Metal cutting
Electrical	Metal fabricating
Electric wire and cable	Packaging facility
Fire protection	Parking area ⁽¹⁾
Food service	Printing facility
Heating, ventilation, or air conditioning	Printing press
Industrial	Processing facility for:
Maintenance	Animals
Mechanical	Animal products
Medical	Lumber
Power transmission	Metal (anodizing, buffing, galvanizing, plating , polishing)
Radio/communication	Raw Materials
Restaurant	Timber
Telecommunication	Propane/bottled gas facility
Trade show/exhibit	Product research and development
Truck	Railroad spur
Water softening/purification	Recycling processing facility
Welding	Refractory
Foundry	Refurbishing facility
Freight service	Research and development facility
Furniture production	Residential facility for homeless individuals ⁽¹⁾
Group residential facility (small)	Sales yard for:
Group residential facility (large) ⁽¹⁾	Building materials
Junk yard (indoor)	Lumber
Laboratory (testing)	Sand, gravel, stone
Lathe/screw machine products	Salvage yard (indoor)
Limited assembly and fabrication of:	Sheet metal fabrication
Bio-medical/orthopedic products	Sheet metal processing
Communication and computation equipment	Sign fabricating
Computers and electronics	Technology use or service
Computer hardware products	Tool and die facility
Industrial controls	Tree service
Medical devices	Truck depot/terminal
Optical instruments	Truck stop
Orthopedic devices	Utility facility (private)
Scientific and precision instruments	Vehicle technology (advanced)
Service industry machines	Welding service
Specialty equipment	Warehouse/ storage facility
Machine design facility	Wind energy conversion system (micro) ⁽¹⁾
Machine tool shop	Wind energy conversion system (standard) ⁽²⁾
Magnet wire facility	Wholesale facility
Maintenance/repair facility	Woodworking/carpentry
Medical device technology	
Notes: (1) If not adjacent to a residential district	
(2) If on land of over two acres not adjacent to a residential district	

FORT WAYNE ZONING ORDINANCE

I2 GENERAL INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service (indoor)	Food and beverage service	Residential facility, general
Animal service (outdoor)	Instruction/training/education	Retail, limited
Automobile service, general ⁽¹⁾	Medical facility or office	Retail/service, genral
Automobile service, limited	Personal service	Studio
Clothing	Professional office/business service	Universally permitted use
Community facility	Recreation, general	
Electronics	Recreation/tourism, limited	
(1) Excluding gas stations		

(C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) **Fuel storage** facility
- (3) **Gas station**

The **Board** may consider the **gas station** size, **building/canopy** orientation, general **design standards**, and specific **primary building** orientation design requirements set forth for **gas stations** in §157.219(C)(7)(Downtown Edge **district**)

- (4) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (5) **Illuminated recreation field** (if **adjacent** to residential zoning)
- (6) **Junk yard** (outdoor)
- (7) **Motor vehicle storage yard**
- (8) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (9) **Parking or outdoor display** area, gravel (not otherwise permitted)
- (10) **Residential facility for a court-ordered re-entry program**
- (11) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (12) **Salvage yard** (outdoor)
- (13) **Sawmill**
- (14) **Solar panel (ground-mounted)**
- (15) **Solid waste transfer station**
- (16) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (17) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure			50'
Primary or accessory residential facility building or structure			Up to two stories or 30' ⁽²⁾
Front yard			
Non-through lot			25'
Through lot			25' at each end of the lot
With existing building(s) with a lesser front setback adjacent to the lot			The smallest existing nonconforming setback
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

§ 157.224 I3 INTENSIVE INDUSTRIAL

(A) Purpose

The Intensive Industrial **district** is intended to provide areas for intense industrial **uses** such as fabricating, **manufacturing**, processing, extraction, heavy repair and dismantling industries where outside operations and **storage** areas may be required. Due to the nature of these industries, **districts** are typically located away from residential areas and **districts**. I3 **districts** should be **buffered** by less intensive industrial or commercial **districts** to minimize adverse impacts on surrounding land **uses**.

(B) Permitted Uses

The following **uses** are permitted as a matter of right in an I3 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way.

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Air freight service	Bioscience development/research testing
Apparel fabrication and processing	Bottling facility
Asphalt plant	Brewery
Assembly of finished products	Canvas product fabrication
Assembly facility for/manufacturing of:	Compounding of:
Adhesive/glue	Chemicals
Agricultural implements	Cleaning supplies
Aircraft	Cosmetics
Animal feed	Pharmaceuticals
Appliances	Concrete plant
Automobiles	Contractor (construction, excavation, landscape)
Bicycles	Crematory
Boats	Distillery
Carbon steel pipe and tubing	Distribution facility for:
Computers	Batteries
Concrete and concrete products	Beer
Electronics	Building materials
Insulation	Electrical parts
Manufactured homes	Food
Modular buildings	Janitorial supplies
Motorcycles	Lubrication
Motors	Machines
Paper/paper products	Medical supplies
Recreational vehicles	Oil
Spas	Paint
Stainless steel	Petroleum products
Steel	Pipe
Tile	Plumbing fixtures
Tires	Soft drinks
Valves	Steel
Bakery	Tires (new)
Bio-medical/orthopedic equipment	Truck bodies

FORT WAYNE ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Distribution facility for (continued):	Magnet wire facility
Vending machines	Maintenance/repair facility
Windows	Medical device technology
Equipment rental	Metal and plastic extrusion and molding facility
Equipment supply facility for:	Metal cutting
Air purification	Metal fabricating
Electrical	Motor vehicle storage yard
Electric wire and cable	Packaging facility
Fire protection	Parking area
Food service	Printing facility
Heating, ventilation, or air conditioning	Printing press
Industrial	Processing facility for:
Maintenance	Animals
Mechanical	Animal products
Medical	Lumber
Power transmission	Raw materials
Radio/communication	Timber
Restaurant	Propane/bottled gas facility
Telecommunication	Product research and development
Trade show/exhibit	Railroad spur
Truck	Recycling processing facility
Water softening/purification	Refractory
Welding	Refurbishing facility
Foundry	Research and development facility
Freight service	Residential facility for homeless individuals⁽¹⁾
Fuel storage facility	Salvage yard
Furniture production	Sheet metal fabrication
Gas station	Sheet metal processing
Group residential facility (large)⁽¹⁾	Sign fabricating
Group residential facility (small)	Solid waste transfer station
Junk yard	Technology use or service
Laboratory (testing)	Tool and die facility
Lathe/screw machine products	Truck depot/terminal
Limited assembly and fabrication of:	Truck stop
Bio-medical/orthopedic	Utility facility (private)
Communication and computation equipment	Vehicle technology (advanced)
Industrial controls	Welding service
Optical instruments	Warehouse/storage facility
Scientific and precision instruments	Wholesale facility
Service industry machines	Wind energy conversion system (micro)⁽¹⁾
Specialty equipment	Wind energy conversion system (standard)⁽²⁾
Machine design facility	Winery
Machine tool shop	Woodworking/carpentry
Notes: (1) If not adjacent to a residential district	
(2) If on land of over two acres not adjacent to a residential district	

FORT WAYNE ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Recreation/tourism, limited
Animal service, outdoor	Instruction/training/education	Residential facility, general
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics		

(C) **Special Uses**

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Commercial communication tower** (see § 157.503(D)(3)(a) for additional standards)
- (2) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (3) **Illuminated recreation field** (if **adjacent** to a **residential district**)
- (4) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (5) **Open use of land** (not otherwise permitted)
- (6) **Parking or outdoor display area, gravel** (not otherwise permitted)
- (7) **Residential facility for a court-ordered re-entry program**
- (8) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (9) **Sawmill**
- (10) **Solar panel (ground-mounted)**
- (11) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (12) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

FORT WAYNE ZONING ORDINANCE

(D) Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Shed or other storage building
Address marker	Landscape elements	Sign
Arbor or pergola	Mailbox	Solar panels (building mounted)
Bird bath/house	Name plate	Swimming pool
Carport	Newspaper delivery box	Swing set
Deck	Patio	Television aerial
Driveway	Play equipment	Trellis
Fence	Pond	Utility fixture
Flagpole	Property boundary marker	Walk
Garage	Radio antenna (amateur)	Wall
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single family detached residence		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Smoke house/oven (outdoor)	Outdoor events (short-term)
Tree house	Performances (indoor)
	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

FORT WAYNE ZONING ORDINANCE

(E) Development Standards

- (1) The standards in the following table shall apply in the I3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I3 INTENSIVE INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		75'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
With existing building(s) with a lesser front setback adjacent to the lot		The smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outside activity behind the building ⁽³⁾			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Primary building – outside activity behind the building ⁽³⁾			
50'			
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §157.405(C) in Development Standards Waivers and Exceptions for exceptions; §157.409 Signs for maximum sign heights ; and §157.404(O) Residential Impact Mitigation and §157.411 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include building access, delivery/loading areas, drives, and storage			

FORT WAYNE ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing, porch , or stoop, open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental fence permitted up to 3' in height; other fencing permitted up to 8' in height)	Ornamental fence permitted ⁽¹⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining)	Permitted ⁽⁶⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes: (1) May be located within required yard with no setback (2) However, a 5' side or rear yard shall be maintained (3) If not adjacent to a residential district ; shall not project if adjacent to a residential district (4) Shall meet minimum primary structure setback (5) However, fences and walls shall meet corner lot primary structure setback standard (6) Up to 3 feet in height			

FORT WAYNE ZONING ORDINANCE

DEVELOPMENT PROCESSES AND STANDARDS

§ 157.301 DEVELOPMENT PLANS

(A) Purpose

The Development Plan process is intended to:

- (1) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**;
- (2) Allow for public, **Commission** and staff review of and input on the site layout, access and circulation, and **development** quality of certain **development** proposals, the potential impacts of those proposals on surrounding areas, and the ability of Fort Wayne and other governmental or quasi-governmental entities to provide public services required by those **developments**.
- (3) In the DC and DE **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.

(B) When Required

- (1) A Development Plan application shall be submitted and approved when an applicant is proposing the types of **development** indicated in the following table. If a Secondary Development Plan is not required, an administrative Site Plan Review process will generally be required following the Primary Development Plan approval.

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Rezoning (when accompanied by a specific development project proposal, for which the applicant is requesting Plan Commission approval)	✓	
Projects involving multiple buildings on a single parcel , or on several contiguous parcels , where each building is not located on a separate parcel	✓	✓
Projects involving the phased construction of infrastructure or streets	✓	✓
Projects requesting a waiver from one or more ordinance standards	✓	
Projects requiring Design Review in DC and DE districts	✓	

- (2) In addition to the provisions above, an applicant or property **owner** may choose to voluntarily submit a project or **development** through the Development Plan process.
- (3) As part of its consideration and approval of a request for a **contingent use**, **special use**, or **use** variance, the **Board of Zoning Appeals** may require the submission and approval of a Development Plan.

FORT WAYNE ZONING ORDINANCE

(C) Primary Development Plans

(1) Pre-Application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a Primary Development Plan. The purpose of this pre-application meeting is to:

- (a) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards, or requirements;
- (b) Review the Development Plan procedures and submittal requirements;
- (c) Acquaint the applicant with inherent limiting characteristics of the specific site or surrounding areas; and
- (d) Reduce the time period between initial application and **Commission** approval,

(2) Submittal Requirements

The applicant for a Primary Development Plan approval shall submit an application and **fee**, a Primary Development Plan Site Plan, and supporting information as established by the **Commission's** rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public hearing. A determination made by DPS staff with regard to the completeness of a Primary Development Plan application may be appealed to the **Commission** pursuant to the **Commission's** rules.

(3) Review

- (a) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, and as established by the **Commission's** rules.
- (c) DPS staff shall review the application and shall make a recommendation on the application. If the application involves land located in a DC or DE **district**, the **Design Review Committee** shall also make a recommendation on the application.
- (d) The **Commission** shall hold a public hearing on the application for approval of the proposed Primary Development Plan, in accordance with the **Commission's** rules.

(4) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Primary Development Plan.

(a) Decision

- (i) After the public hearing on the Primary Development Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Primary Development Plan if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the plan subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.
- (ii) In the DC and DE **districts**, the **Plan Commission** shall also determine that the application is consistent with the provisions of §157.404 (**Development Design**

FORT WAYNE ZONING ORDINANCE

Standards and Requirements) and the recommendations of the **Downtown Design Manual** and **Design Review Committee**.

(b) Deferral

The **Commission** may also defer action on the proposed Primary Development Plan if it needs more information or time to determine if the Development Plan is eligible for approval. In deferring action on a Primary Development Plan, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be approved until specific changes are made or additional information is submitted by the applicant, the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission**'s established period of time, the **Commission** may deny the application.

(c) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application to approve a Primary Development Plan. If primary approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(d) Notice of Decision

Notice of the **Commission**'s decision on a Primary Development Plan shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(e) Appeal of Decision

Any action by the **Commission** on a Primary Development Plan application shall be a final decision and may be reviewed as provided in IC 36-7-4-1016.

(f) Period of Valid Approval

- (i) Approval of the Primary Development Plan by the **Commission** is valid for twenty-four (24) months from the date of approval. If approval of a Secondary Development Plan or Site Plan for some portion of the land covered by the Primary Development Plan approval is not obtained within that twenty-four (24) month period, the Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of a Secondary Development Plan or a Site Plan for the proposed **development**, as applicable. The request shall be made prior to the expiration of the twenty-four (24) month approval period.
- (iii) If a Secondary Development Plan is required pursuant to §157.301(D) and the applicant obtains approval of a Secondary Development Plan but then fails to obtain an **Improvement Location Permit** for at least part of the **development site** included in that Secondary Development Plan within the time required by §157.301(D)(3)(f), both the Secondary Development Plan and the Primary Development Plan related to that **development site** shall lapse and be null and void.

FORT WAYNE ZONING ORDINANCE

- (iv) If a **Certificate of Compliance** has been obtained for at least a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan or Site Plan approval of the remainder of the Primary Development Plan area.

(D) Secondary Development Plans

If a Secondary Development Plan is required pursuant to §157.301(B), the approval of a Secondary Development Plan shall be governed by the provisions of this 157.301(D). In cases where a Primary Development plan has been previously approved for the same **development site**, a Secondary Development Plan may be submitted simultaneously with a revised Primary Development Plan. A Secondary Development Plan may only be submitted simultaneously with a revised Primary Development Plan if the applicant provides all required application materials in the level of detail required to constitute a complete application for both if they were submitted sequentially. The **Commission** may make a decision on both a revised Primary Development Plan and a Secondary Development Plan as part of a single review process, provided that all submittal requirements and all approval criteria for both a Primary and Secondary Development Plan have been met.

(1) Submittal Requirements

The applicant for a Secondary Development Plan approval shall submit an application and **fee**, the required number of Secondary Development Plan Site Plans, and supporting information as established by the **Commission's** rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission's** agenda for the next available meeting. A determination made by DPS staff with regard to the completeness of a Secondary Development Plan application may be appealed to the **Commission**.

(2) Review

- (a) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission** by rule.
- (b) DPS staff shall review the application and shall make a recommendation on the application. If the application involves land in a DC or DE **district**, the **Design Review Committee** shall also make a recommendation on the application.
- (c) The **Commission** shall review the application for approval of the proposed Secondary Development Plan at a meeting of the **Commission**, in accordance with the **Commission's** rules.

(3) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Secondary Development Plan.

(a) Decision

After review of the Development Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Secondary Development Plan if it determines that the application meets the following criteria, and may approve the plan subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:

- (i) The application is consistent with the approved Primary Development Plan for the **development site**, including any **conditions** attached to the Primary Development Plan approval;

FORT WAYNE ZONING ORDINANCE

- (ii) The application meets those design and **development** standards for Development Plans in 157.301(E);
 - (iii) If the application involves multiple **buildings** on a single **parcel**, or on several contiguous **parcels**, where each **building** is not located on a separate **parcel**, then the location and layout of those **buildings** and their orientation to each other will not create adverse impacts on the occupants or **users** of the **development site** or on the surrounding area.
 - (iv) If the application involves the phased construction of **infrastructure** or **streets**, the order of phased **development** will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area, and are within the capacity of Fort Wayne or applicable service provider to service and maintain.
 - (v) If the application involves design review in DC and DE **districts**, then the application shall meet the applicable criteria (i) through (iv) above and the **Commission** shall also consider the recommendations of the **Design Review Committee**.
- (b) Deferral
The provisions of §157.301(C)(4)(b) apply.
 - (c) Findings
The provisions of §157.301(C)(4)(c) apply.
 - (d) Notice of Decision
The provisions of §157.301(C)(4)(d) apply.
 - (e) Appeal of Decision
The provisions of §157.301(C)(4)(e) apply.
 - (f) Period of Valid Approval
 - (i) Approval of the Secondary Development Plan by the **Commission** is valid for thirty-six (36) months from the date of approval. If approval of an **Improvement Location Permit** for some portion of the land covered by the Secondary Development Plan approval is not obtained within that thirty-six (36) month period, both the Secondary Development Plan approval and the related Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
 - (ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of an **Improvement Location Permit**, for all or part of the proposed **development**. The request shall be made prior to the expiration of the thirty-six (36) month approval period.
 - (iii) If a **Certificate of Compliance** has been obtained for a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan approval of the remainder of the Primary Development Plan area.

FORT WAYNE ZONING ORDINANCE

(4) Issuance of Permit

Prior to the issuance of an **Improvement Location Permit** for any **use, building, or structure** in a project where a Primary or Secondary Development Plan is required, all of the following requirements shall be satisfied.

- (a) If the **use, building, or structure** is part of a **development** for which only a Primary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and DPS staff shall have approved a Site Plan Review pursuant to §157.302 (Site Plan Review).
- (b) If the **use, building, or structure** is part of a **development** for which a Secondary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and a Secondary Development Plan.
- (c) The applicant shall have met or adequately committed to meet all of the **conditions** of approval placed on each approved Development Plan.
- (d) The applicant shall have installed or adequately committed to have installed all of the public improvements and **infrastructure** required to serve the **development**. If the applicant has delivered assurances to Fort Wayne pursuant to §157.503(A)(5)(**Commitments**) that it will provide to the **Commission** approvals of required improvements, and the applicant does not then deliver those approvals in a timely fashion, the **Commission** is hereby empowered to **refuse** to issue either **Improvement Location Permits** or **Certificate of Compliance** Permits for **development site** within that Primary or Secondary Development Plan until the required approvals are received by the **Commission**.
- (e) The applicant shall have recorded in the Allen **County Recorder's** Office all of the required documents, rights-of-way, utility **easements**, plans, deed restrictions, restrictive covenants, **commitments**, and any other instruments required by the **Commission** or staff, in a form approved by the **Commission**.

(E) Development and Design Standards

Development and **design standards** applicable to Development Plans are listed in §157.404. Some **waivers** of and adjustments to **development** and **design standards** for Development Plans are permitted pursuant to §157.405(B), (C), and (D).

(F) Commitments

As part of its approval of a Primary or Secondary Development Plan, the **Commission** may permit or require the **owner** of the property included in the request to make a **commitment** concerning the **use or development** of that property, in accordance with IC 36-7-4-613, §157.503(A)(5), and the **Commission's** rules.

(G) Amendments to Approved Development Plans

After the **Commission** has granted approval of a Primary or Secondary Development Plan, any amendments to the Development Plan shall be submitted by the applicant to the Executive Director by way of an amended application for the type of approval sought. The application shall also be accompanied by the pertinent submissions required by Fort Wayne for the proposed amendments involved, as determined by the Executive Director. For purposes of all amendments to approved Development Plans, the **Zoning Administrator** shall determine whether a change is substantial by considering the scope of the overall project, the possible impact of amended land **uses** or site activities, **structure** locations, sizes, or heights, or transportation access, systems, or volumes upon the community

FORT WAYNE ZONING ORDINANCE

and land **uses**, both existing and planned, which surround the Development Plan area and areas within the Development Plan that have already been developed.

(1) Purpose

The purpose of this section is to describe how an approved Primary or Secondary Development Plan may be amended, and to clarify the difference between minor amendments that may be approved by DPS staff and amendments that are determined to be a **substantial change** that requires approval by the **Commission**.

(2) Amendment after Approval of a Primary Development Plan

Proposed amendments to an approved Primary Development Plan shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, and the proposed **development** requires the approval of a Secondary Development Plan, the revised plan may be submitted as an application for a Secondary Development Plan.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, or the proposed **development** does not require approval of a Secondary Development Plan, the submission of a new Primary Development Plan shall be required. The previous Primary Development Plan shall be void once the new Primary Development Plan is approved. The new Primary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

(3) Amendments after Approval of a Secondary Development Plan Prior to ILP Issuance

Proposed amendments to an approved Secondary Development Plan prior to approval of an **Improvement Location Permit** shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with the application for a an **Improvement Location Permit**, and shall be considered by DPS staff at the same time as the **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, the submission of a new Secondary Development Plan shall be required. The previous Secondary Development Plan shall be void once the new Secondary Development Plan is approved. The new Secondary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this ordinance.

(4) Amendments after Issuance of the ILP

A proposed amendment or addition to an approved Secondary Development Plan where **Improvement Location Permits** have been issued, but where no construction on any **structures** has taken place, shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with an application for a new **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved Secondary Development Plan the submission of a new Secondary Development Plan shall be required. The previously approved Secondary

FORT WAYNE ZONING ORDINANCE

Development Plan and previously issued **Improvement Location Permit** shall be revoked and declared void once the new Secondary Development Plan is approved. The amended secondary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this subchapter.

- (c) If the **Zoning Administrator** determines that the amendment is substantial enough that another public hearing should be required, the applicant shall resubmit the revised plan as a new Primary Development Plan, and the previously issued **Improvement Location Permit** shall be voided. The new Primary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

FORT WAYNE ZONING ORDINANCE

§ 157.302 SITE PLAN REVIEW

(A) Purpose

The purpose of this section is to:

- (1) Provide a process that allows for administrative review of certain projects for compliance with the provisions of this ordinance.
- (2) In the DC and DE **districts**, establish plan documentation and supporting information that must be submitted to allow for the review of a project, including design review;
- (3) Allow reviewing staff to provide input on proposed projects

(B) When Required

Except as excluded in §157.302(C), any proposal for a new **building** or **structure** or **addition** to an existing **building** in the following categories that does not require the submission of a Development Plan under the provisions of §157.301, requires submittal, review and approval through the Site Plan Review process:

- (1) New individual **multiple family buildings** of over two (2) units;
- (2) A nonresidential **structure** or **building** (including a single **building** on an individual **lot** or **development site**, an **accessory structure** or **building**, **additions** to an existing **building**, a **gas station canopy** or pumps, and an **outdoor activity area**);
- (3) If the **Commission, Board**, or Hearing Officer determines in the course of application review that the proposal is large, complex, or raises potential unanticipated **development** impacts, the **Commission, Board**, or Hearing Officer may require that the proposed project complete the Site Plan review process.

(C) Exclusion

Projects of less than 1,000 square feet that do not have sanitary sewer or water facilities and fire sprinkler systems (including mobile classrooms but excluding **gas station** canopies or outdoor eating/drinking areas), shall be exempt from the Site Plan review process. Temporary construction or temporary sales/leasing facilities that do not have water and sanitary sewer connections shall also be exempt from the Site Plan review process.

(D) Pre-Application Meetings

- (1) Prior to the submission of an application for approval of a Site Plan, a pre-application meeting between DPS staff and the applicant is recommended. The purpose of the pre-application meeting is to:
 - (a) Acquaint the applicant with the standards, procedures, and requirements of this ordinance and any other applicable standards or requirements;
 - (b) Review the Site Plan Review process procedures and submittal requirements;
 - (c) Acquaint the applicant with any potential issues or problems regarding the specific site or surrounding area, including **significant** cost or permit delay issues; and
 - (d) Provide the applicant with a list of application submittal requirements based on the nature and size of the proposed **development**.

FORT WAYNE ZONING ORDINANCE

(E) Submittal Requirements

The applicant for Site Plan Review shall submit an application form and supporting information as established by the **Commission**. DPS staff shall only distribute applications for review that have been determined by DPS staff to be complete. A determination made by DPS staff with regard to the completeness of a Site Plan Review application may be appealed to the **Commission** in accordance with the **Commission's** rules.

(F) **Development** and Design Standards

Development and design standards applicable to Site Plan Review are listed in §157.404. No **waivers** of or exceptions to those standards are permitted through Site Plan Review.

(G) Approval

(1) Filing Deadline

Application submission deadlines shall be according to the schedule and times established by the DPS staff.

(2) Distribution and Review Schedule

Proposals submitted prior to the application deadline and determined to be complete submittals by DPS staff shall be distributed to the applicable review agency staff. The proposals shall be reviewed and comments submitted by the established review deadline. If no response is received from a review agency within ten (10) business days after transmittal of Site Plan Review materials, DPS staff may consider that the review agency has no objection to approval of the application as submitted.

(3) Action

Following review of a submitted Site Plan Review application, the review staff may take the following actions:

- (a) The application may be approved, with or without **conditions**; review staff may place a hold on the **Certificate of Compliance** as part of the approval, to allow for: inspections of project improvements; issuance of project-related permits from other reviewing agencies; confirmation that previous **commitments** have been met or adequately committed to be met; or to obtain other information as necessary to confirm compliance with standards or requirements.
- (b) Changes to the application may be required if necessary to bring the application into compliance with the applicable standards and requirements; or
- (c) Additional information may be required if necessary to determine whether the application complies with the applicable standards and requirements; or
- (d) The application may be denied if it does not comply with the applicable standards and requirements and cannot be made to comply through the imposition of **conditions**.

(4) **Design Review Committee**

All Site Plan Review projects in the DC and DE **districts** shall also be reviewed by the **Design Review Committee** for consistency with the recommendations of the **Downtown Design Manual** and the standards of §157.404 (**Development** Design Standards). For these projects, the **Design Review Committee** shall be considered a reviewing department for the purpose of making recommendations regarding consistency with the Design Manual or taking action regarding consistency with §157.404.

FORT WAYNE ZONING ORDINANCE

(5) Time Frame for Valid Application or Approval

The following time frames shall apply to the validity of Site Plan review applications and approvals

(a) Validity of Application

A Site Plan Review application shall remain valid for twelve (12) months from the application date, except that the applicant can request an extension from DPS staff prior to the expiration of the application. Extensions may be approved if DPS staff determines that the need for the extension arises due to unforeseen circumstances relative to the project.

(b) Validity of Approval

A Site Plan review approval shall remain valid for six (6) months from the approval date, except that the applicant can request an extension from DPS staff prior to the expiration of the approval. Extensions may be approved if DPS staff determines that the need for the extension arises due to unforeseen circumstances relative to the project.

(6) Improvement Location Permit

(a) Revised Plans or Documents

After the review agency comments are received by DPS staff, it is the responsibility of the designated project representative to provide the DPS or reviewing staff with any requested information or revised plans or documents.

(b) Issuance of Permit

After all of the reviewing agencies have sent approvals for the proposal to DPS staff (or failed to respond for 10 business days following the transmittal of application materials), and any revised plans or documents have been approved by reviewing staff, an **Improvement Location Permit** shall be issued for the project.

(7) Certificate of Compliance

After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**.

(a) Certificate of Compliance Release

It is the designated project representative's responsibility to contact the reviewers and provide any requested information or schedule any required inspections required by the reviewing agencies for their release of the **Certificate of Compliance**. When all of the reviewing agencies have approved the release of the **Certificate of Compliance**, indicating compliance with all applicable standards and requirements or that the applicant has adequately committed to meet the applicable **conditions** of approval, the DPS staff will issue the Certificate to the **Allen County Building Department**. DPS staff may require the issuance of multiple Certificates of Compliance for ILPs for projects with phased occupancy.

(b) Survey

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 DPS staff.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.303 SUBDIVISION CONTROL

(A) Title

This section shall be known and cited as the **City** of Fort Wayne **Subdivision** Control Regulations. The provisions in this section are an updated replacement of the previous Fort Wayne **Subdivision** Control Ordinance (**City** Code Chapter 155).

(B) Purpose

(1) Major Subdivisions

The purpose of the **Major Subdivision** regulations in section is to provide standards and procedures to regulate all divisions of land that do not qualify as **Minor Subdivisions** or exempt divisions of land, to ensure that **Major Subdivisions** are consistent with the **Comprehensive Plan**, and to provide minimum rules, regulations, and standards in order to achieve orderly **development** in the **City** through land **subdivision**; to provide for the proper arrangement of **streets** in relation to other existing or proposed **streets**; to promote the **use** of land to assure the best possible environment; to reduce the unplanned **development** and the public service and enforcement costs associated with that **development**; to promote the health, safety, and general welfare of the public, and the provision of sufficient capital improvements to maintain community standards while meeting the standards and specifications of the **City**.

(2) Minor Subdivisions

The purpose of the **Minor Subdivision** regulations in this section is to establish an expedited procedure to review the **platting** of residential **developments** containing no more than six (6) **lots** for single **family** and **two family dwellings**. An administrative review and **platting** process is hereby established to provide assurance that a **Minor Subdivision** meets certain minimum requirements and design standards.

(C) When Required

(1) Jurisdiction

Each division of land within the **planning jurisdiction** of the **City** is required to obtain approval of either **Minor Subdivision** pursuant to §157.303(E) or a **Major Subdivision** pursuant to §157.303(F) as applicable, unless it qualifies as an **exempt division of land** pursuant to §157.303(C)(2).

- (a) No **subdivision** of land, as defined in this ordinance, may occur until such time as all the provisions of this section are complied with, the **Fort Wayne City Plan Commission** has acknowledged its approval by affixing its signatures and seal, and the sealed **plat** has been recorded in the Office of the Allen **County Recorder**.
- (b) No **lot** in a **subdivision** may be sold, and no permit to erect, alter, or repair any **building** upon land in a **subdivision** be issued, unless and until a Major or **Minor Subdivision** has received final approval and been recorded, and until the improvements required in connection with the **subdivision** have either been constructed or guaranteed as provided in this section.

FORT WAYNE ZONING ORDINANCE

(2) Exempt Divisions of Land

(a) Exempt Divisions

The following divisions of land do not have to obtain approval of a **Minor Subdivision plat** pursuant to 157.303(C)(3) or a **Major Subdivision plat** pursuant to §157.303(C)(4).

- (i) All **lots** in a recorded **subdivision** at the time of adoption of this ordinance shall not be required to meet the regulations of this section;
- (ii) The **conveyance** of land located within a Development Plan that has been approved by the **Commission**;
- (iii) A division of a **parcel** of land for the transfer of a **parcel** of land to correct errors in an existing legal description, provided that no additional **building** sites are created;
- (iv) A **conveyance** of a **parcel** of land pursuant to a distribution of land to a devisee, legatee or other heir pursuant to a last will and testament or intestate proceeding;
- (v) The **conveyance** of **parcel(s)** of land to one or both parties in a divorce proceeding pursuant to a court order regarding disposition of marital assets;
- (vi) A division of a **parcel** of land for federal, state, or local government to acquire for public purposes;
- (vii) A division of land resulting in the transfer or sale of land between contiguous **parcels** of land, provided that no additional **building** sites are created by the **subdivision**; and
- (viii) A division of a **parcel** of land into **cemetery** plots.

(b) Administrative Approval Required

- (i) A division of land that does not constitute a **subdivision** as defined in this ordinance must be submitted for administrative approval. Only one administrative approval shall be permitted off of an existing **parcel** in a 12 month period; requests to create additional **lots** or **parcels** shall require Development Plan approval.
- (ii) The application shall be reviewed for compliance with the requirements of the ordinance and to confirm that each affected **lot** is served by public water and public sewer and must have immediate access to an improved public **right-of-way**. Immediate access shall be **frontage** on an improved **right of way**, an alternative access approved by the Fort Wayne Traffic Engineering Department, or an alternative access as approved by the **Plan Commission** as part of a Development Plan approval.
- (iii) Applications shall be approved providing that all affected **parcels** meet or exceed these minimum standards.
- (iv) The approved application will be returned to the applicant and must be recorded by the applicant within one year of approval or the approval will be null and void.

FORT WAYNE ZONING ORDINANCE

(3) **Minor Subdivisions**

Minor Subdivisions are those that contain no more than six **lots** (including the root **parcel** or original **tract**), in which all **lots** are created for single **family** or **two family dwellings**, and in which each **lot** has **frontage** on an existing improved non **arterial street**, and no **lot** requires the creation or extension of any water or sewer facility. Land included in an approved **Minor Subdivision** may not later be divided into more **lots** through the exempt land division process pursuant to §157.303(C)(2). **Minor Subdivisions** shall be reviewed and approved as described in §157.303(E).

(4) **Major Subdivisions**

Major Subdivisions are those that are not exempt divisions of land as described in §157.303(C)(2) and do not qualify as **Minor Subdivisions** as described in §157.303(C)(3). **Major subdivisions** shall be reviewed and approved as described in §157.303(F).

(D) Pre-application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a **Minor** or **Major Subdivision**. The purpose of this pre-application meeting is to:

- (1) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards or requirements;
- (2) Review the **subdivision** procedures and submittal requirements;
- (3) Acquaint the applicant with any inherent limiting characteristics of the specific site or surrounding areas; and
- (4) Reduce the time period between initial application and approval.

FORT WAYNE ZONING ORDINANCE

(E) Minor Subdivision

(1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Minor Subdivision** to a Committee of the **Commission** by rule, and may delegate authority to grant **secondary approval** of a **Minor Subdivision** to the DPS staff, by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Minor Subdivision**, as applicable.

(2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Minor Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission**'s rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission**'s agenda for the next available public meeting. A determination made by the DPS staff with regard to the completeness of a **Minor Subdivision** application may be appealed to the **Commission** pursuant to the **Commission**'s rules.

(3) Primary Review

- (a) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (c) DPS staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the DPS staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (d) The Committee of the **Commission** shall hold a public hearing on the application for primary approval of the proposed **Minor Subdivision** in accordance with the **Commission**'s rules.

(4) Action and Additional Provisions

(a) Decision

After the public hearing on the primary approval of a **Minor Subdivision**, the Committee shall approve or deny the application. The Committee shall grant primary approval to the **Minor Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **Subdivision** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

(b) Deferral

The Committee may also defer action on primary approval of the proposed **Minor Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for approval. In deferring action on a Primary **Minor Subdivision**, the Committee shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a Committee determination that the application cannot be granted primary approval

FORT WAYNE ZONING ORDINANCE

until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral)... If the corrected materials or additional information is not submitted within the **Commission**'s established period of time, the Committee may deny the application.

(c) Findings

The Committee shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Minor Subdivision**. If the **Subdivision** is denied, the written findings entered by the Committee shall set forth the reasons for such denial.

(d) Notice of Decision

Notice of the Committee's decision on an application for primary approval of a **Minor Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by **Commission** rule.

(e) Period of Valid Approval

(i) Any primary approval of a **Minor Subdivision** by a Committee of the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If the **Minor Subdivision** has not received **secondary approval** within that twenty-four (24) month period, the preliminary approval of the **Minor Subdivision** shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

(ii) The applicant may request approval from the Committee of the **Commission** for an extension of time to obtain **secondary approval** of a **Minor Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(5) **Secondary Approval**

(a) Review

(i) Following primary approval of a **Minor Subdivision**, the applicant shall file an application for **secondary approval** of the **Minor Subdivision**.

(ii) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission**'s rules.

(iii) The DPS staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.

(iv) The **Commission** shall consider reviewing the application at its next available business meeting.

(v) No notice or public hearing is required for approval of a Secondary **Minor Subdivision**.

FORT WAYNE ZONING ORDINANCE

- (vi) If an appeal of the Committee of the **Commission**'s primary approval of a **Minor Subdivision** was filed, the DPS staff shall take no further action until the **Commission** has made a decision on the appeal, and any action on the application for **secondary approval** of a **Minor Subdivision** shall be consistent with the **Commission**'s decision on the appeal.

(b) Decision

- (i) After review of an application for **secondary approval** of a **Minor Subdivision**, the DPS staff shall approve or deny the application. The DPS staff shall grant **secondary approval** of the **Minor Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
 - [A] The application is consistent with the primary approval of the **Minor Subdivision** for the **development site**, including any **conditions** attached to the **Minor Subdivision** primary approval;
 - [B] The application meets those design and **development** standards for **Minor subdivisions** in §157.303(E)(5); and
 - [C] All required improvements and **infrastructure** for the **Minor Subdivision** have been completed and have been approved by the **Board of Works**.
- (ii) If **secondary approval** is denied, DPS Staff shall within three (3) business days after that denial furnish the applicant with a written list of the reasons for such denial.
- (iii) If **secondary approval** is granted by DPS Staff, all certifications required by the **Commission**'s rules shall be obtained by the applicant prior to recording.
- (iv) The DPS Staff may grant **secondary approval** of the **Minor Subdivision plat** subject to the expiration of the time provided for appeal under IC 36-7-4-708 of the primary approval of the **Minor Subdivision**; provided however, that the **plat** for which **secondary approval** has been granted shall not be signed or certified on behalf of the **Commission**, prior to the expiration of such appeal period.

(c) Recording and Period of Validity

The provisions of §157.303(F)(4)(d) shall apply.

(6) **Development** and Design Standards

Development and design standards applicable to **Minor Subdivisions** are listed in §157.404. No **waivers** of or exceptions to those standards are permitted for **Minor Subdivisions**.

FORT WAYNE ZONING ORDINANCE

(F) Major Subdivision

(1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Major Subdivision** to a Committee of the **Commission** by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Major Subdivision**, as applicable.

(2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Major Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission**'s rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission**'s agenda for the next available meeting. A determination made by the DPS staff with regard to the completeness of a **Major Subdivision** application may be appealed to the **Commission** in accordance with the **Commission**'s rules.

(3) Primary Approval

(a) Review

- (i) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (ii) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (iii) DPS staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the DPS staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (iv) The **Commission** shall hold a public hearing on the application for primary approval of the proposed **Major Subdivision** in accordance with the **Commission**'s rules.

(b) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission**'s actions on a **Major Subdivision**.

(i) Decision

After public hearing the proposed **Major Subdivision**, the **Commission** shall grant primary approval to the **Major Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **plat** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

(ii) Deferral

The **Commission** may also defer action on the proposed **Major Subdivision** if it needs more information or time to determine if the

FORT WAYNE ZONING ORDINANCE

subdivision is eligible for primary approval. In deferring action on a **Major Subdivision**, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be granted primary approval until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral).. If the corrected materials or additional information is not submitted within the **Commission**'s established period of time, the **Commission** may deny the application.

(iii) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Major Subdivision**. If approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(iv) Notice of Decision

Notice of the **Commission**'s decision on an application for primary approval of a **Major Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(v) Period of Valid Approval

[A] Any primary approval of a **Major Subdivision** by the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If **secondary approval** of the **Major Subdivision** is not obtained within that twenty-four (24) month period, the primary approval of the **Major Subdivision** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

[B] The applicant may request approval from the **Commission** for an extension of time to obtain **secondary approval** of a **Major Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(4) **Secondary Approval**

(a) Delegation of Authority

The **Commission** may delegate authority to grant **secondary approval** of a **Major Subdivision** to a Committee of the **Commission**. If such authority has been delegated, each reference to the **Commission** below shall apply to the Committee granted such authority. If the **Commission** has not delegated authority to grant approval of a **Secondary Major Subdivision**, the **Commission** shall review applications for **Secondary Major Subdivisions**.

FORT WAYNE ZONING ORDINANCE

(b) Review

- (i) Following primary approval of a **Major Subdivision**, the applicant shall file an application for **secondary approval** of all or a specifically described portion of the **Major Subdivision**.
- (ii) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified in the **Commission's** rules.
- (iii) The DPS staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
- (iv) The **Commission** shall consider reviewing the application at its next available business meeting.
- (v) No notice or public hearing is required for a **secondary approval** of a **Major Subdivision**.

(c) Decision

- (i) After review of an application for **secondary approval** of a **Major Subdivision**, the **Commission** shall grant **secondary approval** of the **Major Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
 - [A] The application is consistent with the primary approval of the **Major Subdivision** for the **development site**, including any **conditions** attached to the **Major Subdivision** primary approval;
 - [B] The application meets those design and **development** standards for **Major Subdivisions** in §157.303(F)(5);
 - [C] The applicant has paid in full to the **Commission** all costs incurred for the furnishing of notice related to the primary approval of the **Major Subdivision** required under this ordinance or by the **Commission's** rules;
 - [D] The applicant has installed all of the improvements required by this ordinance in accordance with the approved plans and specifications on file, and delivered to the **Commission** all necessary approvals and acceptances from all applicable agencies and authorities, and the **Board of Public Works** has accepted those improvements; or in the event all of the required improvements required have not been installed, the applicant has filed with the **Commission**, for any improvements already installed all necessary approvals and acceptances from all applicable agencies and authorities, and provided performance guarantees pursuant to §157.303(F)(6) for any required improvements not installed, or installed but for which all necessary approvals and acceptances from all applicable agencies and authorities have not been obtained.

FORT WAYNE ZONING ORDINANCE

- (ii) If **secondary approval** is denied, the **Commission** shall within five (5) business days after that denial furnish the applicant with a written list of the reasons for such denial.
 - (iii) If **secondary approval** is granted by a Committee of the **Commission**, all certifications required under by the **Commission's** rules shall be obtained by the applicant prior to recording.
 - (iv) **Secondary approval** may only be granted after the expiration of the time provided for an appeal of the Primary approval under 36-7-4-708.
 - (v) After **secondary approval** has been granted, the **plat** shall be certified and then released for recordation as established in the **Commission's** rules.
- (d) Recording and Period of Validity
- (i) It shall be the responsibility of the applicant to obtain all **Major Subdivision plat** certifications and signatures required by the **Commission's** rules, and to record the **Major Subdivision plat** with **secondary approval** and any associated covenants, **easements** or similar documents.
 - (ii) Within one (1) year of the granting of **secondary approval** of the **Major Subdivision**, the applicant shall furnish to the Executive Director the original of the **subdivision plat** in its final form and with all required contents and restrictive covenants, as approved by or on behalf of the **Commission**.
 - (iii) Upon receipt of the **plat**, the Executive Director shall determine whether the **plat** submitted for recording complies strictly in its form and contents with the **secondary approval** granted by or on behalf of the **Commission**.
 - (iv) If the Executive Director determines that the submitted **plat** strictly complies with the **secondary approval**, the Executive Director shall have the **plat** signed and certified as established by rule and shall release the **plat** to be recorded.
 - (v) If the Executive Director determines that the **plat** submitted for recording does not strictly comply with the **secondary approval**, the Executive Director shall forthwith notify the applicant of any required changes to bring the **plat** into compliance with the **secondary approval** and shall allow the applicant an additional thirty (30) days to make those changes and to submit a corrected **plat** to the Executive Director for recording. If the applicant makes the required changes and submits a corrected **plat** and required recording **fees** within that thirty (30) day period, the Executive Director shall proceed to record the **plat** as described in subsection (D) above. If the applicant does not submit a corrected **plat** with the thirty (30) day period, or the **plat** submitted by the applicant during that period does not include the changes requested by the Executive Director, the primary and **secondary approvals** of the **subdivision** shall lapse and be void, and the DPS staff shall notify the **Board of Public Works** that the **plat** has been voided.

FORT WAYNE ZONING ORDINANCE

(5) **Development** and Design Standards

Development and design standards applicable to **Major Subdivisions** are listed in §157.404. Some **waivers** of and adjustments to **development** and design standards for **Major Subdivisions** are permitted pursuant to §157.405(B), (C), and (D).

(6) Performance Guarantees

If an applicant applies for **secondary approval** of a **Major Subdivision** and has not installed all of the improvements required by this ordinance and the **subdivision** approvals, the **Commission** or its designee may only consider the application if the applicant has executed with the **Commission** an **infrastructure** completion agreement as set forth below:

(a) **Infrastructure** Completion Agreement

The applicant has executed an agreement acceptable to the **Commission** confirming that:

- (i) The applicant will install all required **infrastructure** to serve each **lot** in the **Major Subdivision** before applying for an **Improvement Location Permit** for that **lot**, and
- (ii) After **Improvement Location Permits** have been approved for fifty (50) percent of the **lots** in that phase of the **Major Subdivision**, no additional **Improvement Location Permits** for any **lot** in that phase of the **Major Subdivision** shall be issued until all required improvements have been installed, inspected, and approved by Fort Wayne or the applicable governmental or quasi-governmental entity or a **subdivision** improvement **bond** is posted by the applicant, as described in subsection (ii) below.
- (iii) For purposes of this standard, each phase of a **Major Subdivision** shall be considered separately.

(b) **Subdivision** Improvement **Bond**

- (i) If the DPS is holding **Improvement Location Permits** under the terms of an **Infrastructure** Completion Agreement and required improvements in the **Major Subdivision** have not been completed, inspected, and approved as required by that agreement, then, as an alternative to completing those improvements, the applicant may execute and post with the **Commission** a **subdivision** improvement **bond**, in accordance with the **Commission's** rules, to insure installation, acceptance and approval of the remaining improvements as shown on the approved plans and specifications for the **Major Subdivision**.
- (ii) The **subdivision** improvement **bond** shall:
 - [A] Be in an amount determined by the **Commission** to be sufficient to complete the improvements and installation in accordance with this ordinance based on an estimate provided by the **developer** and determined to be adequate by the applicable reviewing entity;
 - [B] Provide surety satisfactory to the **Commission**;
 - [C] Run to the **Commission**; and

FORT WAYNE ZONING ORDINANCE

[D] Specify the time for completion of the improvements and installations.

- (iii) If an applicant posts a **subdivision** improvement **bond** as required by subsection (a)(ii) above and the required improvements are not installed within the time stated in the performance **bond**, the **Commission** is authorized to **use** funds from the **bond** to cause the improvements covered by the **bond** to be installed as shown in the approved plans and specifications for the **Major Subdivision**. Upon submission by the application of the document required under the regulations adopted by the **Commission**, demonstrating that all improvements have been installed in accordance with this ordinance, the **Commission**, or its duly authorized representative, shall release such performance **bond** and discharge the **developer** and surety, if any, from further liability or responsibility under the **bond**.

(G) Secondary **Plat** Amendments and Adjustments

(1) General Amendments

After a **secondary approval** of a **Minor** or **Major Subdivision**, the **Commission** or its designee is authorized to approve amendments to the **subdivision plat** if:

- (a) A request for amendment is filed, accompanied by the signatures of all **owners** of **development site** in the **plat**, and a survey if the **Commission** or its designee determines that a survey is necessary to accurately evaluate the impacts of the proposed amendment;
- (b) There is no increase in the number of **lots**;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of **lot lines** and/or **right-of-way** lines; and
- (d) The amendment is consistent with the purposes and requirements of this ordinance.

(2) Errors or Omissions

If an error or omission is found at any time after the recording of a **Minor** or **Major Subdivision plat**, the Executive Director shall be notified of the error or omission in writing, and the property **owner** or his or her successor shall cause the error or omission to be corrected. The Executive Director shall determine how the correction of the error or omission shall be made. The Executive Director may withhold **Improvement Location Permits** for any **lot** within the **subdivision** until the error or omission is corrected.

(H) Appeals

(1) Appeals of Decisions of a Committee of the **Commission**

- (a) A decision of a Committee of the **Commission** may be appealed to the **Plan Commission** by the applicant.
- (b) The applicant may appeal the Committee's action on a **Minor** or **Major Subdivision** within five (5) business days after notice of the disposition has been mailed. If an appeal is filed, it shall be placed on the next available scheduled public hearing of the **Commission** that will allow for notice to interested parties.

FORT WAYNE ZONING ORDINANCE

- (c) The **Commission** may approve, disapprove, or conditionally approve the Minor or **Major Subdivision plat** based on a determination of whether the Committee's decision complied with the requirements of this ordinance.
- (d) The approval or disapproval of the appeal is a final decision of the **Commission** that may be reviewed as provided in IC 36-7-4-1016.

(2) Appeals of Decision of the **Plan Commission**

Every final decision of the **Commission** or its designee as set forth in I.C. 36-7-4-715 shall be subject to review as provided in IC 36-7-4-1016.

(I) **Subdivision Plat** Vacation

The **Commission** may approve, approve with **conditions**, or deny a decision to vacate a **Minor** or **Major Subdivision plat**, pursuant to I.C. 36-7-4-711.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

ADDITIONAL GENERAL STANDARDS

§ 157.401 PURPOSE

The purpose of this chapter is to provide updated and aligned additional standards, requirements, and provisions for **accessory structures and uses, temporary structures and uses, development design** standards, **development** standards **waivers** and exceptions, **home occupations**, parking, landscape standards, **signs, airport overlay districts**, and **floodplain** management, along with a cross-reference to the existing Historic Preservation regulations.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.402 ACCESSORY STRUCTURES AND USES

(A) Residential Accessory Structures and Uses

(1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) Accessory Structures

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**

(3) Fence and Wall Standards

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) 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.

(c) Prohibited Materials

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 **residential districts**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the use of spikes, broken glass, barbed wire, razor wire, nails, electric charge or similar materials.

(d) Swimming Pool Fencing

Any pool which meets the definition set forth in §157.506 of this ordinance shall comply with the residential **swimming pool** safety feature requirements set forth in 675 IAC 14-4.3-296(3). In accordance with and to supplement this section access to a pool shall be restricted by one of the following:

- (i) A **wall** or **fence** not less than four (4) feet in height which completely surrounds the pool and **deck** area with the exception of self-closing and latching gates and doors both capable of being locked; or
- (ii) A rigid power safety pool cover which meets the requirements set forth in 675 IAC 14-4.3-296(3) and which provides a continuous connection between the cover and the **deck**, so as to prohibit access to the pool when the cover is completely drawn over the pool; and shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or a key and switch, or a touch pad with a personal

FORT WAYNE ZONING ORDINANCE

access code. All automatic pool covers shall be kept operable and in good working order; such pool covers shall not be operated in ways that create safety or access hazards, such as being permitted to be left open for extended periods of time, or to accumulate large amounts of water on top of the cover; or

- (iii) For above ground **swimming pools**, other means not less than four (4) feet high completely surrounding the pool and **deck** area when the pool is not in use that is deemed impenetrable by DPS staff at the time of construction.

- (e) Exceptions to Standards

- (i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

- (ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

- (4) **Accessory Uses**

See the individual **residential zoning district** sections for the **accessory uses** permitted in that **zoning district**. Staff may also determine that additional **accessory uses** may be permitted.

- (a) **Outdoor Display**

Outdoor display as defined herein shall be prohibited except for **yard** and **garage sales**. **Yard, garage**, and similar sales on residential properties may be held up to three (3) times in a calendar year, for up to three (3) days per sale.

- (b) **Outdoor Storage**

In any **residential district**, the **outdoor storage** of junk, **trash**, and debris as defined herein shall be prohibited. In addition, the **outdoor storage** of the following shall be prohibited:

- (i) Wrecked or dismantled **automobiles**;
 - (ii) Home appliances and fixtures such refrigerators, stoves, and sinks; and
 - (iii) Indoor furniture.

- (c) **Parking and Vehicle Storage**

In any **residential district**, licensed and operable **automobiles**, vans, motorcycles, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks, and pull trailers up to 100 square feet in size shall only be permitted to be parked in a **driveway** or on an improved surface directly connected to a **driveway**.

FORT WAYNE ZONING ORDINANCE

(d) Prohibited Vehicles

The vehicles noted below shall be prohibited to be parked or otherwise stored outside of a public **right-of-way** in **residential districts**:

- (i) Agricultural or other tractors unless used in conjunction with a permitted **agricultural use**;
- (ii) Inoperable or unlicensed **automobiles**, motorcycles, vans, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks or other similar vehicles;
- (iii) **School, religious institution** or similar buses;
- (iv) Pull-behind trailers over 100 square feet in size;
- (v) Semi-trailers;
- (vi) Semi-trucks;
- (vii) Large pick up or panel trucks (over one ton); and
- (viii) Other large commercial vehicles not otherwise listed.

(B) Nonresidential Accessory Structures and Uses

(1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) Accessory Structures

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**

(3) Fence and Wall Standards

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) 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. In DC and DE **districts**, fencing and **wall** materials shall be further limited as follows:

(i) Permitted DC **fence** materials:

[A] Wrought iron or similar metal;

[B] Wood may also be permitted for a **fence** used to screen service, **storage**, or delivery areas.

(ii) Permitted DE **fence** materials:

FORT WAYNE ZONING ORDINANCE

- [A] Dark vinyl coated chain link, if supplemented with a continuous row of shrub plant material a minimum of three feet (3') in height;
- [B] Polyvinylchloride (PVC) vertical slat or picket style;
- [C] Wood vertical slat or picket style; and
- [D] Wrought iron or similar metal.

(iii) Permitted DC and DE **wall** materials:

- [A] Brick;
- [B] Stone; or
- [C] Similar masonry material, if approved by the **Zoning Administrator**.

(c) **Prohibited Materials**

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 **nonresidential districts** abutting a **residential district**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the use of barbed wire, broken glass, nails, razor wire, spikes, electric charge or similar materials. For the purposes of this provision, "abutting" shall include any area separated from a **residential district** by an **alley right-of-way**.

(d) **Swimming Pool Fencing**

Commercial, industrial, and other nonresidential **swimming pools** shall be completely surrounded by a **fence, wall, building**, or other enclosure determined acceptable by the **Zoning Administrator**, of not less than 6 feet in height.

(e) **Exceptions to Standards**

(i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(4) **Accessory Uses**

(a) **Outdoor Display and Temporary Outdoor Sales**

Nonresidential **outdoor display** and temporary outdoor sales shall only be permitted as follows:

- (i) In C1 and BTI **districts**, **outdoor display** and temporary outdoor sales shall not be permitted;
- (ii) In C2 and NC **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;

FORT WAYNE ZONING ORDINANCE

- (iii) In SC, C3, C4, I1, I2, and I3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** and temporary outdoor sales shall meet the **building setback** standards, or as otherwise approved by the **Plan Commission**; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space;
 - (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces); and
 - (v) In the UC **district**, **outdoor display** shall be further limited to 10% of the **building ground floor area** or 120 square feet, whichever is less; the display shall only be permitted in conjunction with permitted indoor display area(s), during normal business operating hours. All **outdoor display** items shall be taken inside each day as part of the closing of the business.
- (b) **Permanent Outdoor Sales**
- Permanent outdoor sales shall only be permitted as follows:
- (i) In C1 and BTI **districts**, permanent outdoor sales shall not be permitted;
 - (ii) In C2 and NC **districts**, permanent outdoor sales shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;
 - (iii) In SC, C3, C4, I1, I2, and I3 **districts**, permanent outdoor sales shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**; and
 - (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces).

(c) **Outdoor Storage**

Nonresidential **outdoor storage** shall only be permitted as follows (see §157.408. Landscape Standards, for specific **outdoor storage** landscape provisions):

- (i) In C1 and BTI **districts**, **outdoor storage** shall not be permitted;
- (ii) In C2, NC, SC, C3, and C4 **districts**, **outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; be located on a paved or existing gravel surface; and be screened from **adjacent residential zoning districts** and **public street** rights of way;
- (iii) In any commercial or industrial **district**, if over five (5) vehicles are stored outside the vehicle **storage** area shall be screened from **adjacent residential zoning districts** and **public street** rights of way; the **outdoor storage** of dismantled vehicles shall be prohibited;
- (iv) In I1 **districts**, **outdoor storage** shall be allowed between the rear of the **building** and the **rear lot line**; the area of the **storage** may be up to the square footage of the **primary structure**; the **storage** area shall be screened from **adjacent residential zoning districts** and **public street** rights of way;
- (v) In I2 **districts**, **outdoor storage** shall be allowed between the front façade of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way; and
- (vi) In I3 **districts**, **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.403 TEMPORARY STRUCTURES AND USES

(A) Temporary Accessory Structures

A temporary **accessory structure** shall be permitted for any universally permitted or other permitted **nonresidential use**, subject to the following standards and requirements:

- (1) A temporary mobile classroom **structure** shall be permitted up to two years;
- (2) A temporary **storage** or similar **temporary structure** shall be permitted up to 90 days without a **certificate of use**; if the applicant obtains a **certificate of use** then the **structures** may be permitted up to 120 days;
- (3) If the proposed **structure** requires review under §157.302 (Site Plan Review), the applicant shall obtain approval of the proposal through that process, prior to the issuance of an **Improvement Location Permit**; and
- (4) This subsection shall not apply to temporary construction or sales **structures, mobile food service units**, or tents.

(B) Temporary Special Events

Temporary **special events** shall be permitted as an **accessory use** to any **universally permitted use**. Temporary **special events** shall be permitted up to three (3) times per year, for a period not to exceed ten (10) days per event. Tents, or other similar **structures** or facilities, shall be permitted in conjunction with the **special event**. An **Improvement Location Permit** shall not be required for a tent or similar **structure** used in connection with a permitted temporary **special event**. Festivals or similar events held in **public parks** shall not be considered temporary **special events**.

(C) Temporary Construction/Sales Structures

- (1) Construction trailers shall be permitted, provided the project is proceeding with due diligence, until the project is complete. Trailers shall be located in conformance with the **corner visibility** standards set forth in this ordinance.
- (2) A temporary sales/leasing trailer shall be permitted, provided the project is proceeding with due diligence, until the project is complete. If the trailer contains water and/or sewer, it shall be required to be reviewed and approved through the Site Plan review process.
- (3) No permit shall be required for an on-site trailer if no water and sewer connections are requested; if the trailer is to be placed off-site, or if water and sanitary sewer connections are requested, then the **structure** shall be reviewed through the Site Plan review process.

(D) Mobile Food Service Units

- (1) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, DC, DE, UC, I1, I2, or I3 **district**, and a permitted **accessory use** to an institutional **building** in any **zoning district**. The unit shall be allowed on a site up to five (5) times in a twelve (12) month period, for up to five (5) days per event. If the unit is located in a **public park** as part of a festival or similar event or is located within a public **right-of-way**, there shall be no limit on the number of times the unit shall be allowed. Any unit located outside of a public **right-of-way** shall meet the **primary building setbacks**. No **Improvement Location Permit** or **Certificate of Compliance** shall be required.

FORT WAYNE ZONING ORDINANCE

- (2) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, I1, I2, or I3 **district**, beyond the limits listed in §157.403(D)(1) above, for up to four (4) months in a twelve (12) month period; however, an **Improvement Location Permit** or Site Plan Review, as applicable to the specific request, shall be required for the **use**.

(E) Temporary Tents

The following standards shall apply to the placement of temporary tents.

- (1) Except for **universally permitted uses**, in **residential districts** a tent of up to 200 square feet may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to ten (10) days per event;
- (2) Except for **universally permitted uses**, in **residential districts** a tent of over 200 square feet may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to ten (10) days per event; the applicant shall obtain a **certificate of use**;
- (3) Except for **universally permitted uses**, in **nonresidential districts**, a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to ten (10) days per event or one time for up to four (4) months in a twelve month period; the applicant shall obtain a **certificate of use** for each placement; or
- (4) For **universally permitted uses** a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to ten (10) days per event.

FORT WAYNE ZONING ORDINANCE

§ 157.404 DEVELOPMENT DESIGN STANDARDS

(A) Purpose

The purpose of this section is to:

- (1) Mitigate potential adverse impacts of proposed **development** on surrounding areas, and particularly residential neighborhoods;
- (2) Accommodate required **infrastructure** and public services,
- (3) Promote the efficient provision of public services;
- (4) Promote efficient transportation and circulation networks,;
- (5) In the Downtown Core (DC) and Downtown Edge (DE) **districts**, 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.

(B) Applicability

- (1) All Development Plans, Site Plan Reviews, and **Subdivisions** shall comply with each of the standards shown in the table below.

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	Section	DP	SP	MJS	MNS
Access	§157.404(D)	✓	✓	✓	✓
Airport overlay districts	§157.404(E)	✓	✓	✓	✓
Block layout	§157.404(F)			✓	✓
Easements	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape standards	§157.404(I)	✓	✓		
Lot standards	§157.404(J)			✓	✓
Natural site features	§157.404(K)	✓		✓	✓
Open space and recreation amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact mitigation	§157.404(O)	✓	✓		
Sanitary sewer	§157.404(P)	✓	✓	✓	✓
Signs	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
Street lighting	§157.404(T)	✓	✓	✓	
Vehicle circulation and streets	§157.404(U)	✓	✓	✓	✓
Water	§157.404(V)	✓	✓	✓	✓
Zoning district standards	§157.404(W)	✓	✓	✓	✓
<ul style="list-style-type: none"> • Building Separation • Building Size • Number of Buildings on a Lot • Height • Lot Area and Width 					

FORT WAYNE ZONING ORDINANCE

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	Section	DP	SP	MJS	MNS
<ul style="list-style-type: none"> Yard Requirements Zoning Overlay Districts 					
Design standards (downtown)	§ 157.404(X)	✓	✓		
KEY DP=Development Plan SP=Site Plan MJS=Major Subdivision MNS = Minor Subdivision ✓=Standard is applicable					

(C) Compliance

All proposed **development** shall be in conformance with the applicable **development** design standards. Compliance shall be determined by the DPS staff in the case of zoning ordinance standards, and by the applicable reviewing agency staff in the case of non-zoning ordinance standards. Copies of required application materials, applicable **fees**, and non-zoning ordinance standards are available from DPS staff.

(D) Access

(1) General Standards

Complete access and traffic management facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

(2) Additional Standards for **Major Subdivisions**

- (a) Each residential **lot** in the **Major Subdivision** shall have direct access to an existing, publicly maintained **street** by way of a platted **public or private street**, but no residential **lot** may directly access an **arterial street**.
- (b) Each residential **lot** in the **Major Subdivision** shall front upon and have at least the minimum required **frontage** on a dedicated **public street** of sufficient width and improvement to meet the applicable agency standards and specifications.
- (c) Each **Major Subdivision** shall have at least one point of connection between its internal **street** system and an adjoining **arterial, collector, or local street** for every fifty (50) residential **lots**, or part thereof, located in the **Major Subdivision**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** shall be considered together.

(3) Additional Standards for **Minor Subdivisions**

Each **Minor Subdivision lot** shall have **frontage** on an existing improved non-**arterial street**.

(E) **Airport Overlay Districts**

All **development** proposals shall also be subject to the applicable provisions of the **Airport Overlay Districts** as set forth in §157.411.

(F) **Block Layout**

In **Major Subdivisions**, **blocks** shall be of sufficient dimension to allow two (2) tiers of **lots** of at least the minimum depth required by the **zoning district** in which the **lots** are located.

FORT WAYNE ZONING ORDINANCE

(G) Easements

Easements shall be provided as required by the applicable reviewing agency for utility lines, storm water drainage facilities, and pedestrian access. **Easements** shall be designed and laid out so that adequate utility service and storm drainage can be provided, and proper continuity exists between areas, **uses, structures, parcels, and developments**. **Easement** widths and locations shall be shown.

(H) Floodplain

All proposed **buildings, structures, and site development** located within a **Special Flood Harzard Area** shall also comply with the **Floodplain** regulations as set forth in §157.412.

(I) Landscape Standards

All **development** shall comply with the landscaping, screening, and buffering standards applicable to that **development** as set forth in §157.408. When **development** other than a single **family** or **two family dwelling** occurs on a **lot adjacent** to a **residential zoning district**, the additional landscaping, screening, and **buffering** requirements in §157.404(O) shall apply.

(J) Lot Standards

(1) Minor and **Major Subdivision** Standards

(a) **Corner Lots**

If Minor or **Major subdivision lots** are created that front on more than one intersecting **street (corner lots)** and one or more of those **streets** is an **arterial street, collector street** or limited access highway as shown in the latest adopted **County** transportation or **street** plan, access to each **corner lot** shall only be permitted from a local or interior **street**, unless otherwise approved by the **Plan Commission**. The **Commission** shall not approve a request for alternative access unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

- (i) Granting approval will not be detrimental to the public health, safety, or welfare, or injurious to other properties.
- (ii) The **conditions** upon which the request is based are unique to the property for which the request is sought, and are not applicable generally to other properties.
- (iii) Because of the particular physical surroundings, shape, or topographical **conditions** of the specific property involved, a particular hardship to the **owner** would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(b) **Double Frontage Lots**

Major Subdivision lots shall not be created with two opposite **lots** lines both facing a **public street (double frontage lots)** unless:

- (i) The depth of each **double frontage lot** is at least 150 feet; it is intended that a **double frontage lot** be deeper than the **lots** directly across the interior **street** from the **double frontage lot**. Alternatively, the **lots** may be separated from the exterior higher volume **street** by a **common area** of not less than 15 feet; and
- (ii) Access to each **double frontage lot** is only permitted from the interior, **local street**.

FORT WAYNE ZONING ORDINANCE

(c) Side Lot Lines

Side lot lines generally shall be at right angles to straight **street right-of-way** lines and radial to curved **street right-of-way** lines.

(K) Natural Site Features

(1) General Standards

The location and nature of existing **significant** natural site features should be considered by the applicant in the planning and design of site **development** and should be avoided or preserved where possible..

(2) Additional Standards for **Major Subdivisions**

- (a) All **Major Subdivisions** should be located and designed to avoid the inclusion of **significant natural features** in individual **building lots** and to incorporate those features into common open spaces for the benefit of **subdivision** residents where possible.
- (b) The **Commission** shall have the authority to approve **Major Subdivision lots** with up to ten (10) percent less **lot** area than the minimum required for the **zoning district** where the property is located if **significant natural features** are preserved, to allow for the **platting** of the same number of **lots** permitted by the minimum **lot** area required for that **zoning district** provided that title to the land containing those features is transferred to a **homeowners'** association or other entity responsible for their management under terms that will not allow the future **development** of the land on which the natural features are located.

(L) Open Space and **Recreation** Amenities

(1) Development Plan and **Major Subdivision** Standards

- (a) All **Major Subdivisions** and **Development** Plans shall require the provision of open/**recreation space**. The provisions of this section are minimum standards, and an applicant may establish other land for recreational purposes in addition to the requirements of this section.
- (b) Open/**recreation space** shall be of suitable size, dimension, topography and general character and shall have adequate road access for the general purposes envisioned. The acreage shall be determined by the **Commission** from the following table, which has been prepared on the basis of providing three (3) acres of **recreation area** for every 100 **dwelling** units, and may be waived if the total required open/**recreation space** is less than 10,000 square feet. These ratios shall be applied to all sections of a **subdivision** and to the **subdivision** as a whole.

REQUIRED RECREATIONAL SPACE	
If total area of plat divided by number of lots is less than or equal to:	Total land required for recreational space allotment:
15,000 square feet	8.0%
25,000 square feet	5.0%
35,000 square feet	3.5%
40,000 square feet	3.0%
50,000 square feet	2.5%
80,000 square feet or more	1.5%

FORT WAYNE ZONING ORDINANCE

- (c) **Recreation areas** shall be located as the **Commission** directs, may contain any type of recreational facility approved by the Department of Parks and Recreation, and may include active or passive recreational facilities. **Recreation areas** shall be coordinated, whenever possible, with existing or proposed **recreation areas**.
- (d) This open/**recreation area** requirements shall be waived if:
 - (i) The applicant has entered an agreement with the Department of Parks and **Recreation** to improve and dedicate lands and facilities within the **subdivision**, or at an acceptable location not contained within the **subdivided** land, for a **public park**, or;
 - (ii) The applicant has made acceptable “in lieu of” payments to the Department of Parks and **Recreation** for deposit in an escrow account to be used only for **public park development** within the appropriate subarea of the park service jurisdiction.
- (e) In addition, the requirements of Chapter 158 of the Fort Wayne Code apply.

(M) Parking

All **development** shall comply with the parking standards applicable to that **development** as set forth in §157.407.

(N) Pedestrian Circulation

(1) General Standards

- (a) Internal pedestrian walkways shall be constructed to provide connections to existing adjoining sidewalks and trails, and from **primary building** entrances to existing sidewalks and trails.
- (b) Construction of all required sidewalks shall occur prior to issuance of a **Certificate of Compliance** for any **primary building**.
- (c) Where a plan showing specific trail locations has been adopted as an amendment to the **Comprehensive Plan**, and the plan shows a **multi-use trail** in a location where a sidewalk would otherwise be required, a **multi-use trail** shall be constructed instead.
- (d) If the proposed roadway is to be dedicated to Fort Wayne, the design shall comply with the requirements of the Americans with Disabilities Act, including but not limited to the Public **Right-of-Way** Accessibility Guidelines.

(2) Additional Standards Applicable to Development Plans and Site Plans

- (a) Unless determined by the Fort Wayne Transportation Engineering Department to be an unnecessary hardship due to engineering constraints, sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the Development Plan or Site Plan **development site** if:
 - (i) The **street** adjoining the **development site** is identified by the Pedestrian Connectivity Needs Map in the *Walk Fort Wayne* plan as a thoroughfare in need of pedestrian facilities within a Pedestrian Generating Area (regardless of project size); or
 - (ii) The **development site** (including previous or proposed later phases of the proposed **development**) contains twenty-five (25) **dwelling** units or more, or contains 5,000 square feet of nonresidential **gross floor area** or more, or both; or
 - (iii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **development site** with **frontage** on that adjoining **street**.

FORT WAYNE ZONING ORDINANCE

- (b) Where the Development Plan or Site Plan **development site** includes multiple **buildings** on a single **lot** or on adjoining **lots**, internal pedestrian walkways shall be provided to provide connections between the **primary building** entrances of all **primary buildings**.

(3) Additional Standards Applicable to **Major Subdivisions**

- (a) Sidewalks a minimum of five (5) feet in width shall be constructed to **City standards** and specifications on each side of all internal **streets** within a **Major Subdivision**, except as provided in subsection (4) below.
- (b) Sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Major Subdivision** if:
 - (i) The **Major Subdivision** (including previous or proposed later phases of the proposed **development**) contains twenty-five (25) residential **lots** or more; or
 - (ii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **subdivision** with **frontage** on that adjoining **street**.

(4) Exceptions

Sidewalks shall not be required in the BTI (Business, Technology, Industrial Park), I1 (Limited Industrial), I2 (General Industrial), or I3 (Intensive Industrial) **zoning districts**, unless the property is included on a plan showing specific trail locations that has been adopted as an amendment to the **Comprehensive Plan**; in those cases, a **multi-use trail** shall be provided in the location shown on the plan.

(O) Residential Impact **Mitigation**

All **development** must comply with the landscaping, screening, and **buffering** requirements in §157.408. To provide additional **buffering** and **mitigation** for residential **uses**, if proposed **development** on a **lot** or **parcel adjacent** to an AR, R1, R2, R3, RP, MHS, or MHP **zoning district** includes **development** other than a single **family** or **two family dwelling**, the plan shall comply with the following additional standards.

(1) Additional Height Standards

No primary or **accessory buildings or structures** exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district**.

(2) Landscaping, Screening and **Buffering**

- (a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and drive through lanes shall meet the minimum **primary building setback**.
- (b) No **gas station** or **convenience store canopy** shall be located between the **primary structure** and any **lot line** with a protected **district**.
- (c) If the **mitigation** requirements of this §157.404(O) conflict with the screening and **buffering** requirements of §157.408, the standard requiring more screening and **buffering** shall apply.

FORT WAYNE ZONING ORDINANCE

(P) Sanitary Sewer

Public sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**; for primary **plats** and Development Plans, evidence that public sanitary sewer is available and has adequate capacity to serve the **development** shall be provided..

(Q) Signs

All **development** shall comply with the **sign** regulations applicable to that **zoning district** and type of **development** as set forth in §157.409.

(R) Site Lighting

Exterior lighting for all **development** other than single **family** and **two family dwellings** shall comply with the standards in subsection (2) below unless exempted pursuant to subsection (1) below.

(1) Exceptions

The following types of lighting are not subject to the requirements of this §157.407(R):

- (a) **Public street** and **right-of-way** lighting;
- (b) Lighting required and regulated by the **Federal Aviation Administration**;
- (c) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **City** ordinance, requires special lighting aesthetics as part of its physical character;
- (d) Lighting for outdoor recreational **uses** such as ball diamonds, playing fields, **tennis courts** and similar **uses**, provided that light poles are not more than 40 ft. tall, and the maximum illumination at the property line is not brighter than zero foot-candles.
- (e) Temporary decorative seasonal lighting;
- (f) Temporary lighting for emergency or nighttime work and construction; and
- (g) Temporary lighting for theatrical, television and performance areas, or for special public events.

(2) Standards

All exterior lighting shall meet the following **design standards**:

- (a) Any freestanding or **wall** pack light source or lamp shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.
- (b) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent to residential districts**, zero footcandles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (c) The maximum height of any lighting pole serving a residential **use** is 25 feet. The maximum height serving any other type of **use** is 35 feet, except that the maximum height of any pole located within 50 feet of an A, R, or MH **district** shall be 25 feet.
- (d) Lighting on **gas stations**, **convenience store** and other outdoor canopies shall be fully recessed into the **canopy** and shall not protrude downward beyond the ceiling of the **canopy**.

FORT WAYNE ZONING ORDINANCE

(S) Storm Drainage

Storm drainage facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

(T) **Street** Lighting

Except in **Minor Subdivisions**, **public street** lighting in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**. Vehicle Circulation and **Streets**

(1) Consistency with Transportation Plan

The design and layout of the **street** system shall be consistent with the latest Common Council adopted Transportation Plan.

(2) Construction **Standards**

The construction of **streets** shall comply with all applicable **City street** construction **standards**, including but not limited to **City standards** for minimum **street** widths, intersection and/or roundabout design, **street** alignments, curve radii and tangents, **street** grades and grading, types and qualities of construction materials.

(3) **Alleys**

Alleys are permitted in all **districts**.

(4) Continuation of **Streets**, **Alleys** and **Easements**

Wherever a dedicated or platted portion of a **street** or **alley** or **easement** exists adjoining to the proposed **Subdivision** or Development Plan, the continuation of the **street**, **alley**, or **easement right-of-way** at the same width shall be shown on the proposed **Subdivision plat** or Development Plan.

(5) **Cul-de-sac Streets**

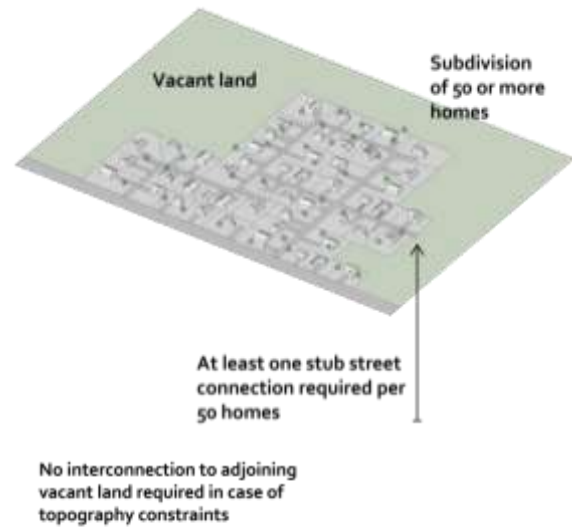
- (a) No **cul-de-sac street** shall be permitted where it would be in conflict with the latest Common Council adopted Transportation Plan .
- (b) **Cul-de-sacs** shall not exceed eight hundred (800) feet in length, except that the **Commission** may allow a length of up to 1,320 feet if the presence of natural site features (creeks, drains, **floodplain**, **rivers**, **wetlands**, or **significant** grade changes) makes it impractical to provide additional or alternate access.
- (c) A **cul-de-sac street** shall terminate in a circular **right-of-way (cul-de-sac)** meeting the **City's** design and construction **standards**.
- (d) Unless determined to be unnecessary by the **Commission**, a temporary dead-end **street** shall be required where a **Major Subdivision** or Development Plan shows that the **street** should be extended to conform to the provisions of this ordinance. A circular **right-of-way** in excess of the required **street right-of-way** at the termination of such temporary dead-end **street** may be required by the **Commission**.

FORT WAYNE ZONING ORDINANCE

(6) Interconnection

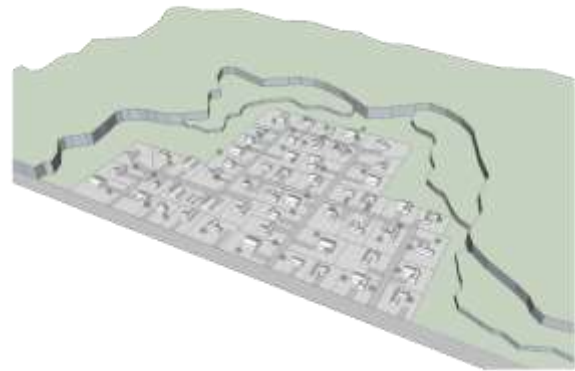
(a) Development Plans and **Major Subdivisions**

All **streets** shall be aligned to join with planned or existing **streets** (including stub **streets**) on adjoining **parcels** and shall provide stub **streets** to allow at least one future access to adjoining vacant **parcels** of land per 50 homes (or part thereof) in the proposed Development Plan or **Subdivision**, unless the **Plan Commission** determines at the time of Primary Development Plan or **Subdivision** approval that the interconnection is impracticable due to site or topography constraints.



(b) **Minor Subdivisions**

No **Minor Subdivision** may provide an interconnection to more than one other **Minor Subdivision**, and no more than two (2) **Minor Subdivisions** may share a single point of access to a **public street**.



(7) **School Bus Access**

Each **Major Subdivision** or Development Plan containing over sixty (60) **lots** shall include an internal loop **street** system allowing **school busses** to access the **subdivision**, circulate, and return to an access point to a local, collector, or **arterial street** adjoining the **Major Subdivision** or Development Plan **development site** without turning around or backing up. The **Plan Commission** may permit alternative **street** system provisions allowing for internal bus access if those provisions have been approved by the applicable **school district**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** or Development Plan shall be considered together.

(8) **Street Names**

- (a) The name of any **street**, road, drive, or avenue already in **use** or established by **plat** anywhere in Allen **County** shall not be used in any new **development** except in the case of a direct extension of the existing **street**, road, drive, or avenue of the same name.
- (b) No name of a **street**, road, drive, or avenue shall include the word north, south, east or west, unless it denotes a geographic location.

(U) **Water**

Public water facilities shall be provided to serve the proposed **development**.

(V) **Zoning District Standards**

(1) **Building Separation**

FORT WAYNE ZONING ORDINANCE

All **buildings** and **structures** shall comply with the applicable **building** separation standards for the **zoning district** in which they are located, as set forth in §157.208-209.

(2) **Building Size**

All **residential buildings** shall comply with the applicable **building** size standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(3) **Number of Buildings on a Lot**

All residential **developments** shall comply with the applicable **building** number limitations for the **zoning district** in which they are located, as set forth in §157.206-211.

(4) **Height**

(a) All **buildings** and **structures** shall comply with the height standards for the **zoning district** in which they are located, as set forth in §157.206-224.

(b) In addition, when **development** other than a single **family** or **two family dwelling** occurs on a **lot** adjoining an AR, R1, R2, R3, RP, MHP, or MHS **zoning district**, the height standards in §157.404(O) shall apply.

(5) **Lot Area and Width**

All **developments** shall comply with the applicable **lot** area and **lot width** standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(6) **Yard Requirements**

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in §157.206-224.

(7) **Zoning Overlay Districts**

All **development** proposals shall also be subject to all applicable provisions of Zoning Overlay **districts** including but not limited to the provisions of §157.411 (**Airport Overlay Districts**), §157.412 (**Floodplain**), and §157.413 (Historic Preservation).

(W) **Design Standards (Downtown)**

(1) **Purpose**

The purpose of including **design standards** as part of **Development** Plan and Site Plan Review and certain other **development** proposals is to:

- (a) 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.
- (b) Preserve and enhance the unique character of the community, including the Downtown area, by maintaining the integrity of areas with special significance;
- (c) Foster attractive and functional design solutions;
- (d) Protect and encourage public and private investments;
- (e) Encourage new **development** and **redevelopment** which is compatible with the character and pattern of existing **development**; and
- (f) Provide design direction to property **owners**, **developers**, designers, and decision-makers.

FORT WAYNE ZONING ORDINANCE

(2) Applicability

This section shall be applicable to the following **development** proposals in the DC and DE **districts**:

- (a) Primary and Secondary Development plans;
 - (b) **Major façade renovations**;
 - (c) Site Plan Review projects;
 - (d) 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
 - (e) **Fence**, parking **lot**, and **sign** proposals.
- (3) In case of any conflict between the **standards** in this §157.404(X) and other **standards** in this ordinance that address the same **building** or site feature, including without limitation **standards** in §157.404(C) through 157.404(W), the **standards** in this §157.404(X) shall apply.
- (4) General Requirements

The **Commission** has established a **Design Review Committee** for conducting reviews, making recommendations, or taking action on certain **development** proposals in the DC and DE **zoning districts**. All **Commission**-reviewed Development Plan projects in the DC and DE **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.

Project Type	Development Plan (with Design Review Committee [DRC] Recommendation)	Major Facade Renovation (with DRC Decision)	Site Plan (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

FORT WAYNE ZONING ORDINANCE

(5) 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 **development** proposals in the DC and DE **zoning districts** to property **owners, developers**, designers, and decision-makers.

(a) Awnings, Canopies, and Marquees

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

(b) Balconies

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

(c) 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**.

(d) Building Lighting

- (i) **Building**-mounted light fixtures shall be shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off fixture such that **glare** is not created on adjoining public rights-of-way.
- (ii) **Building**-mounted light fixtures in pedestrian areas such as sidewalks, pathways, and plazas shall not be mounted higher than twelve (12) feet, as measured from the adjoining grade.

(e) Building Materials

- (i) **Mirrored glass** is prohibited for all **new construction, façade renovations, and building conversions**.
- (ii) In the DC **district**, aluminum and/or vinyl residential style lap siding is prohibited on the first two stories of **structures**, for all **new construction, façade renovations, and building conversions**.
- (iii) 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 façade of the **structure** for new non-residential and mixed **use buildings, façade renovations, and building conversions**.

(f) Cornice/Roof Layer Screening

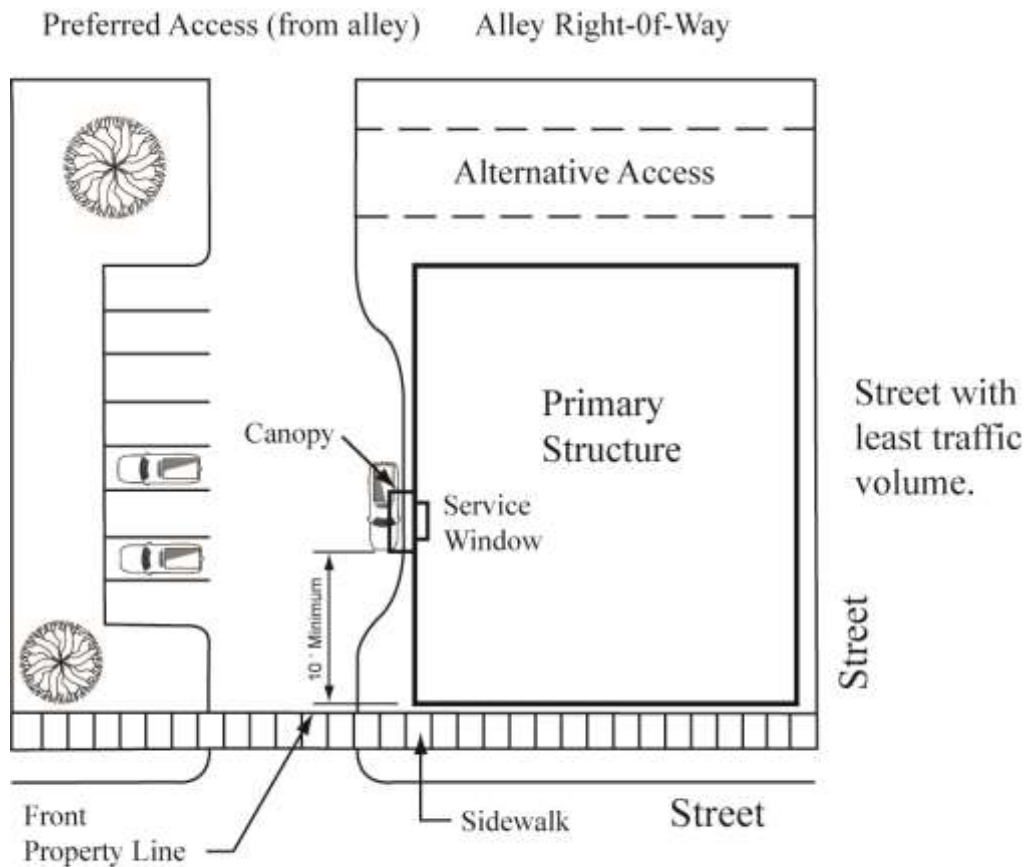
Roof-mounted mechanical equipment such as roof vents, metal chimneys, solar panels, television antennae/**satellite dishes**, or air conditioning units shall be screened so as to not be visible from any adjoining sidewalk or **street**.

(g) Drive-Through Facilities

- (i) The following requirements shall apply to all drive-through facilities:

FORT WAYNE ZONING ORDINANCE

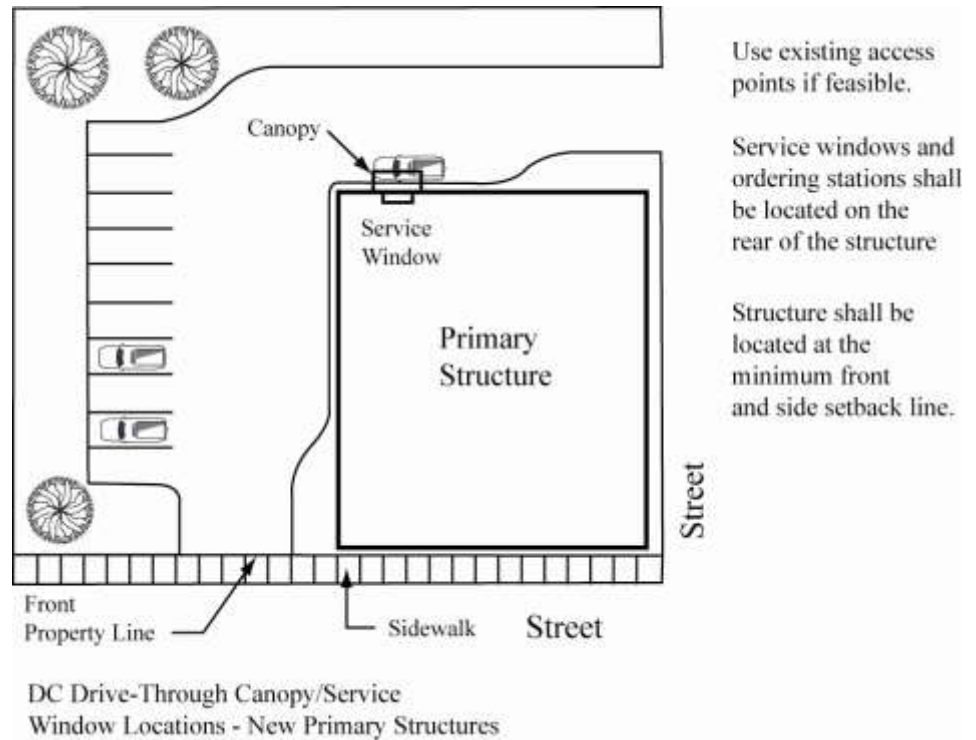
- [A] There shall be a direct pedestrian access between the primary entrance and the adjoining public sidewalk.
- [B] The **drive-through facility** shall not have more than two (2) service lanes.
- [C] If an additional access point is required to serve a new facility, the access should be provided from an **alley** if feasible; if **alley** access is not feasible, the access should be provided from the **street** with the least traffic volume.



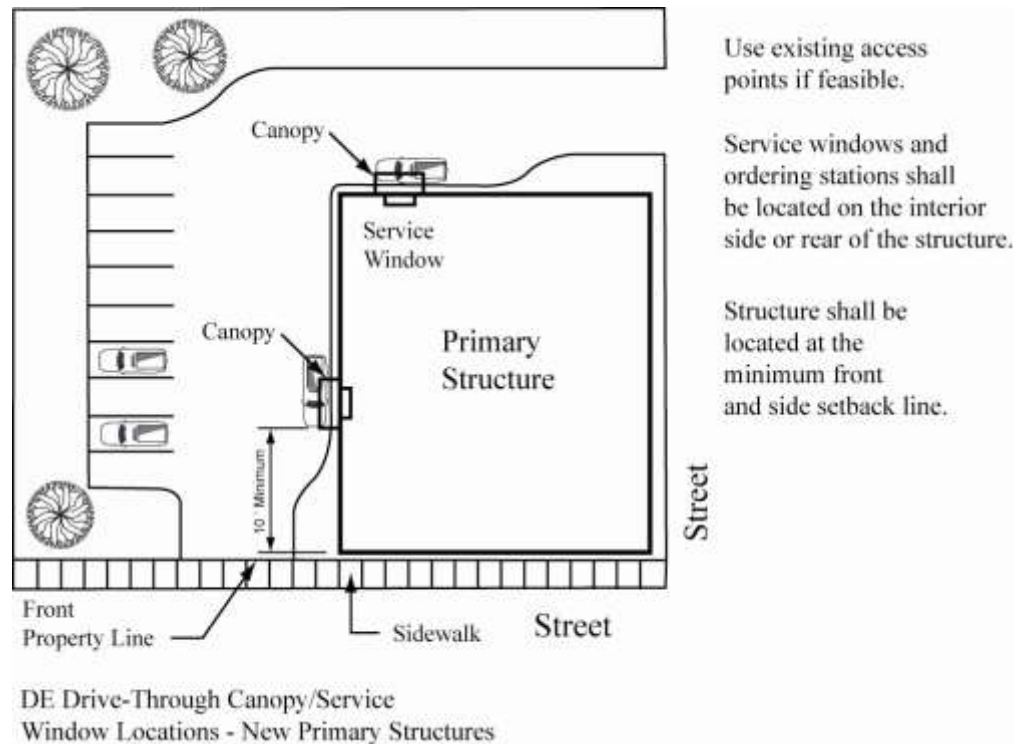
- (ii) The following requirements shall apply to drive-through facilities proposed as part of a new **primary structure**:
 - [A] The **structure** shall be located at the minimum front **setback** line as established in this ordinance for the associated **zoning district**. **Structures** located on a **corner lot/development site** 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**.

FORT WAYNE ZONING ORDINANCE

- [B] In DC **districts**, drive-through service **windows** and ordering stations shall be located on the rear of a **structure**.



- [C] In DE **districts**, drive-through service **windows** and ordering stations shall be located on the interior side or rear of a **structure**.



FORT WAYNE ZONING ORDINANCE

- [D] In DE **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 (10) feet.
- [E] In DE **districts**, the drive-through exit lane shall be located a minimum of ten (10) feet from the **structure** at the location where the exit lane meets the public sidewalk.
- (iii) The following requirements shall apply to drive-through facilities proposed as an **addition** to an existing **primary structure**:
 - [A] In DC **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.
 - [B] In DC **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.
 - [C] 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 (10) feet.
 - [D] 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 (10) feet from the **building** at the location where the exit lane meets the public sidewalk.
- (h) Entrances
 - (i) There shall be at least one (1) unobstructed pedestrian walkway at least five (5) feet wide connecting the **primary facade** entrance to an adjoining public sidewalk.
 - (ii) 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.
 - (iii) 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:
 - [A] An arch;
 - [B] An **awning** or **canopy**;
 - [C] Architectural design elements, projecting from the vertical plane of the main exterior **wall** and raised above the adjoining parapet **wall/roof**;
 - [D] Architectural details such as tile work and moldings that are integrated into the **building** design;
 - [E] Enhanced exterior lighting such as **wall** sconces, **building** mounted accent lights, or decorative pedestal lights;

FORT WAYNE ZONING ORDINANCE

- [F] Pilasters projecting from the plane of the **wall** by a minimum of eight (8) inches and/or architectural or decorative columns that create visual breaks and interest in the **facade walls**;
- [G] A raised corniced parapet over the door; or
- [H] A recessed entry.
- (iv) For new non-residential and **mixed-use buildings**, **building** mounted lighting shall be provided at primary and secondary entrances.
- (v) 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:
 - [A] An arch;
 - [B] An **awning** or **canopy**;
 - [C] Architectural design elements, projecting from the vertical plane of the main exterior **wall**;
 - [D] Architectural details such as tile work and decorative moldings that are integrated into the **building** design;
 - [E] Enhanced exterior lighting such as **wall** sconces, **building** mounted accent lights, or decorative pedestal lights;
 - [F] Pilasters projecting from the plane of the **wall** and/or architectural or decorative columns that create visual breaks and interest in the **facade walls**;
 - [G] A **porch**: or
 - [H] A recessed entry.
- (i) Façade Horizontal Divisions (**Primary Facades**)
 - (i) 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:
 - [A] **Awnings**;
 - [B] Variation in **window** pattern such as large store-front **windows** at **street** level and smaller, separated **windows** on the upper **facade** level; or
 - [C] A flush or projecting horizontal band of a different material, color, or pattern.
 - (ii) For new non-residential and mixed **use buildings**, one of the following elements shall be included on the cornice layer:
 - [A] A cornice or other three-dimensional element; or
 - [B] A flush or projecting horizontal band of a different material, color, or pattern.
- (j) Façade Vertical Divisions (**Primary Facades**)
 - (i) For new non-residential and **mixed-use buildings**, the façade shall consist of **building bays** that are a maximum of thirty (30) feet in width. **Building bay** widths shall be measured to the center of the column, pilaster, or other element/change in plane.

FORT WAYNE ZONING ORDINANCE

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

- [A] Changes in texture or materials;
- [B] Columns, ribs, or pilasters;
- [C] Enhanced entries; or
- [D] A change in plane (a recess or projection).

(k) Façade Transparency

For new non-residential and **mixed-use buildings**, a minimum of fifty (50) percent 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.

(l) **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 (50) percent of the façade.

(m) Mechanical and Service Area Screening

- (i) 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 adjoining **street** or sidewalk.
- (ii) 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 (6) feet in height.
- (iii) 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 (6) feet. Gates shall be provided.
- (iv) 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 that is not less than the height of the mechanical equipment at the time of planting.
- (v) For new **residential buildings**, dumpsters and mechanical equipment located on the ground shall be screened on all sides from any adjoining **street** or sidewalk by the **building**, **walls**, plant material, or **fences**.

(n) Site Lighting

- (i) 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.
- (ii) Lighting intended for pedestrian pathway illumination shall have a maximum height of fifteen (15) feet.

FORT WAYNE ZONING ORDINANCE

- (iii) All parking **lot** lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.
- (iv) The maximum height for all parking **lot** illuminating light fixtures, including both the pole and the base, shall be twenty-five (25) feet above grade.
- (v) 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 foot-candles at grade.
- (vi) 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 **lot 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.
- (vii) The use of spotlights, floodlights, and searchlights shall be prohibited except for short-term events of up to seven (7) days.
- (viii) Holiday lighting shall be exempt from the provisions of this section.
- (ix) Lighting of **outdoor display** or open sales areas
 - [A] Light fixtures serving areas designated as exterior display or open sales areas shall be **full cutoff** and/or fully shielded fixtures.
 - [B] 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.
 - [C] Light fixtures located on the perimeter of display or sales areas and within twenty (20) feet of a **lot line** shall utilize “house-side” shielding to minimize light spillage beyond that **lot line**.
- (o) **Townhouse Complexes**
 - (i) 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**).
 - (ii) No single **building** shall have more than ten (10) ground floor units.
 - (iii) Units shall not have **garage** doors facing **public streets**.

FORT WAYNE ZONING ORDINANCE

§ 157.405 DEVELOPMENT STANDARDS WAIVERS AND EXCEPTIONS

(A) Minor and **Major Subdivisions**

No **waiver** of design and **development** standards is permitted on an application for **Minor Subdivision** or **Major Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to §157.503(E).

(B) Development Plans

The following shall apply to **waivers** to design and **development** standards on Development Plans, other than those downtown **design standards** in §157.404(X).

(1) Authority

Pursuant to I.C. 36-7-1402(b)(4), the **Plan Commission** may waive a design or **development** standard listed in §157.404(C) through (W) as set forth below, except as set forth in subsection (2) below, based on the criteria in subsection (3) below:

(2) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the Variance process described in §157.503(E).

- (a) Pedestrian circulation standards in §157.404(N); and
- (b) Residential impact **mitigation** standards in §157.404(O).

(3) Criteria

Except for the standards listed in § 157.405(B)(2) above, the **Commission** may waive or adjust those design and **development** standards as part of its approval of a Primary or Secondary Development Plan if it determines in writing that:

- (a) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the **Comprehensive Plan**;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested **waiver** or modification will not have a **significant** impact on contiguous residential properties; and
- (c) The failure to grant the requested **waiver** would result in practical difficulties in the **use** of the property for the proposed **development**.

(C) Height Standards Exceptions

Except within the **Airport Overlay District** areas, the following **buildings** or **structures** shall be exempt from the height limitations herein (however, no **building** or **structure** shall provide additional inhabitable floor space above the height limit):

- (1) **Amateur radio towers**
- (2) Chimneys
- (3) Fire or parapet **walls**
- (4) Flagpoles
- (5) Grain elevators
- (6) Industrial installation requiring a vertical production procedure such as a steel mill
- (7) Silos;

FORT WAYNE ZONING ORDINANCE

- (8) Skylights
- (9) Smokestacks
- (10) Stairways
- (11) Steeples
- (12) Television aerials
- (13) Uninhabited **structures** for the housing of elevators or mechanical equipment;
- (14) Water tanks (**building** mounted) or
- (15) Water towers

(D) **Waivers of Downtown Design Standards**

(1) Authority

The **Plan Commission** may waive or adjust a design or **development** standards listed in §157.404(W), as well as the standards in §157.402 (**Accessory Structures and Uses**) and 157.407 (Parking) as set forth below, except as set forth in subsection (2) below, following a recommendation by the **Design Review Committee**, based on the criteria in subsection (3) below:

(2) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the Variance process described in §157.504(E).

- (a) Residential protection standards in §157.404(V).

(3) Criteria

The **Commission** may waive or adjust those **development** and **design** standards not listed in subsection (2) above, if it determines in writing that:

- (a) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives, and policies of the **Comprehensive Plan**;
- (b) The applicant has submitted adequate documentation in support of the requested **waiver** or modification;
- (c) 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;
- (d) 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;
- (e) The **waiver** or adjustment is not being requested solely to avoid costs or expenses of compliance with the standards in this ordinance; and
- (f) The approval of the **waiver** or modification will not be unduly detrimental to existing public and/or private investments.

FORT WAYNE ZONING ORDINANCE

§ 157.406 HOME OCCUPATIONS

(A) Home Occupation Standards

To be considered a **home occupation**, a proposed **use** shall comply with all of the following:

- (1) The **home occupation** shall be operated only by residents of the **dwelling**; no outside employees shall be permitted;
- (2) The **home occupation** shall be conducted entirely within the **dwelling unit**. No **home occupation** shall be operated from a detached **accessory structure** or **garage**;
- (3) The **home occupation** shall not display or create any external evidence of the operation of the occupation except that a single vehicle, used in conjunction with the occupation, may be parked outside and may display advertising or a logo. The vehicle shall comply with the restrictions in §72.23 of the **City Code**. In addition, **signage** shall be permitted as set forth in §157.409;
- (4) A **home occupation** shall be permitted in a single **family**, two **family**, or **multiple family dwelling** unit; and
- (5) Clients or customers are not permitted to come to the home, and retail sales shall not be permitted to take place on the property.

(B) Permitted Home Occupations

Permitted **home occupations** shall include but not be limited to the following (provided that no clients or customers come to the **dwelling** unit):

- (1) **Personal service uses**;
- (2) **Professional office/business service uses**;
- (3) Limited assembly of products or components of products; and
- (4) Limited production of products or components of products.

(C) Prohibited Home Occupations

Prohibited **home occupations** shall include but not be limited to **automobile** mechanical or body repair (other than routine maintenance and minor repair of personal **motor vehicles** titled to the occupants of the property), or **automobile detailing**.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.407 PARKING

(A) Purpose

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

(B) Applicability

The minimum off-street parking requirements of this section shall apply to:

- (1) Any new freestanding **building** or **use** except in the DC and DE **districts**, and except for the excluded **uses** in §157.407 (D)(1)(d). In cases where a **building addition** of over 50% of the **gross floor area** of an existing **primary building** or displaces existing **parking spaces**, the current parking provisions shall also be reviewed by DPS staff to see if additional parking should be provided. This review shall consider the existing number of **parking spaces** provided, the ability to provide additional on-site parking, and the availability of additional parking in the immediate area.. If parking is provided for **uses** in the DC and DE **districts**, there shall be a maximum number of **parking spaces** allowed; the parking maximum shall be the number of spaces required for the **use** by the ordinance in **districts** other than the DC and DE **districts**, if parking for the **use** is provided in either an on-site or off-site **parking structure**; if parking for the **use** is not provided in a **parking structure**, then the parking maximum shall be ½ the number of space required for the **use**.
- (2) In the UC **districts**, the standards shall apply only to the following **uses** or activities: a new **bar/tavern building**; a new dance or similar **school building**; a new **restaurant building**; a new night **club** or similar entertainment **use building**; the **addition** of units to an existing residential **structure**; or the conversion of a residential **structure** to **nonresidential use**.

(C) General Parking Standards

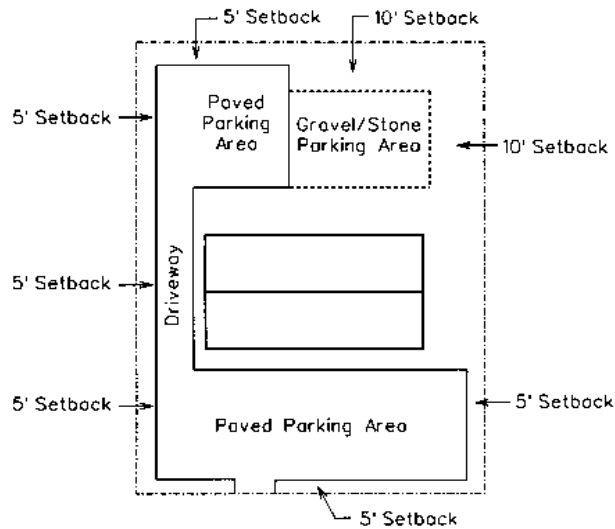
(1) Location on Site Required

All **parking spaces** required by this section shall be provided on the same **lot, tract** or **development site** as the **building, structure, or use** for which the spaces are required, except in the case of off-site parking areas for **religious institutions** or **school uses**, where the **lot** is either under the same ownership or operates under an executed agreement allowing for its **use** and is directly across an **alley right-of-way** from the **primary use**.

(2) Parking Area Location Standards

- (a) Any paved area used for off-street public or employee parking, including internal **driveways** and driving lanes, shall meet the following standards, except for:
 - (i) **Driveways** or driving lanes that provide direct access between the parking area and a **public or private street**; and
 - (ii) Any single or two **family** residential **driveway** or parking area that does not meet the definition of “public parking area”.

FORT WAYNE ZONING ORDINANCE



Parking Area Location Standards

- (b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.
- (c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.
- (d) In DC and DE **districts**, off-**street** parking shall not be located in front of or on the side of any new **structure**. Where existing site **conditions** do not allow for the five (5) foot pavement **setback** required in §157.407(C)(2)(b) above, the required **setback** may be eliminated along a side or **rear lot line**, and reduced to three (3) feet along a **front lot line**.
- (e) In UC **districts**, parking areas shall be located a minimum of 20 feet from any **front lot line**; and new parking areas in these **districts** are only permitted where there is an adequate existing **alley** access and a new **driveway** onto the primary commercial **street** is not required.

(3) Compliance with the 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).

(4) Maintenance

Off-**street parking spaces** and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-**Street** Parking Requirements

(1) General Requirement

- (a) Where applicable and required, off-**street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §157.407(D)(2).
- (b) For **uses** that require off-**street** stacking spaces, additional stacking space may be required as part of the approval of a Development Plan, if the **Plan Commission** determines that they are necessary for traffic safety purposes.
- (c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a multiple **family**

FORT WAYNE ZONING ORDINANCE

dwelling and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.

- (d) The following **uses** shall not have a minimum off-street parking requirement:
- (i) **Community garden;**
 - (ii) **Fairground;**
 - (iii) **Hospital;**
 - (iv) **Nature preserve;**
 - (v) **Religious institution;**
 - (vi) **School;** and
 - (vii) **Uses in the DC/Downtown Core, DE/Downtown Edge, or UC/Urban Corridor districts.**

MINIMUM OFF-STREET PARKING REQUIREMENTS (see the table below for specific use additional stacking space standards)	
Use	Parking Standard ⁽²⁾ (spaces per measurement type)
Animal service	1 per 400 square feet
Assisted living facility	1 per 3 sleeping rooms
Athletic field (indoor)	1 per 6 seats
Auditorium	1 per 400 square feet
Automobile service	1 per 400 square feet
Bed and breakfast	1 per sleeping room
Business service	1 per 400 square feet
Campus housing (off-site)	1 per 3 sleeping rooms
Educational institution (business school, college, medical training, university, or similar post-secondary use)	1 per 400 square feet
Golf course	4 per golf hole
Group residential facility	1 per 3 sleeping rooms
Hotel	1 per sleeping room
Industrial	1 per 1,000 square feet, or 1 per employee at largest shift (whichever is less)
Instruction/training	1 per 400 square feet
Library	1 per 400 square feet
Medical facility or office	1 per 400 square feet
Mixed use project (uses with different parking requirements)	The greatest number of spaces required by any individual use
Motel	1 per sleeping room
Multiple family	1 per 1-2 bedroom dwelling unit 2 per 3+ bedroom dwelling unit 1 per dwelling unit (UC district only)
Multiple tenant nonresidential building	1 per 400 square feet (regardless of individual uses)
Museum	1 per 400 square feet
Nursing home	1 per 3 sleeping rooms
Personal service	1 per 400 square feet

FORT WAYNE ZONING ORDINANCE

MINIMUM OFF-STREET PARKING REQUIREMENTS (see the table below for specific use additional stacking space standards)	
Use	Parking Standard ⁽²⁾ (spaces per measurement type)
Professional office	1 per 400 square feet
Recreation/tourism, limited	1 per 400 square feet
Recreation, general	1 per 400 square feet, plus 1 per 400 square feet of developed outdoor facilities
Restaurant	1 per 400 square feet
Retail	1 per 400 square feet
Retirement facility	1 per dwelling unit
Self-storage	1 per 400 square feet of office
Single family	1 per dwelling unit
Stadium/racetrack	1 per 6 seats
Studio	1 per 400 square feet
Theater (indoor)	1 per 6 seats
Two family	1 per dwelling unit

STACKING SPACE PROVISIONS	
Proposed Use	Stacking Standard (spaces per measurement type)
Automatic teller machine	2 per drive through lane
Bank	2 per drive through lane
Car wash	6 per automatic washing bay 1 per manual washing bay
Drug store/pharmacy	2 per point of sale (payment) window
Restaurant	4 per point of sale (payment) window
Other retail use w/accessory drive through facility	2 per point of sale (payment) window

(2) Credits

To allow for flexibility in the **City's** nonresidential **zoning districts** (DC, DE, UC, C1 through C4, SC, NC, BTI, and I1 through I3) and 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:

- (a) On-street **parking spaces** directly in front of and to the side of the **lot, tract, or development site** where the proposed or existing **use** is located may be counted towards satisfying the minimum off-street parking requirements.
- (b) 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 two (2) % of the total parking requirement.
- (c) If access to public transit is located within 400 feet of the **lot, tract, or development site** where the proposed or existing **use** is located, this may serve in lieu of one (1) required off-street **parking space**.
- (d) 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

FORT WAYNE ZONING ORDINANCE

serve in lieu of two (2) required off-street parking spaces, up to a maximum of ten (10) % of the number of required spaces.

- (e) However, in the DE and UC **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 site** in these **districts** where practical, primarily to accommodate employee parking).

(E) Parking Lot Improvement Standards

(1) Public Works Standards

All land used for off-street parking and all **driveways** serving parking areas, whether required by this ordinance or provided voluntarily, shall comply with those minimum standards and specifications for paving, surfacing, and drainage established by the **Board of Public Works**. In the event of any inconsistency between those standards and specifications and the requirements of this ordinance, the **Board of Public Works standards** and specifications shall apply.

(2) Paving and Drainage

- (a) All land used for off-street parking and all **driveways** serving parking, delivery, and loading areas, shall be paved with asphalt, concrete, pervious pavement (which may include block, concrete, similar modular pavers, and grid pavers); or other approved all-weather hard surfaces, and shall be drained with materials and in a manner that meets the current minimum **standards** and specifications for parking areas adopted by the **Board of Public Works**, except as provided in §157.407(E)(2)(b) below.
- (b) In industrial **zoning districts**, parking areas that are provided in addition to the minimum number of spaces required as set forth in §157.407(D)(1) shall not be required to be paved, but may have a gravel surface that meets the current minimum **standards** and specifications for parking areas adopted by the **Board of Works**.

(3) Curbing

All off-street 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.

(4) Single and Two Family Dwellings

The **standards** in §157.407(E)(2)(a) and (b) above shall not apply to single and **two family dwellings**. However, the parking, **storage**, or display of **motor vehicles** on grass or other similar areas that do not have a paved or gravel surface shall not be permitted on any property.

(5) Parking Lot Landscaping, Screening, and Buffering

Landscaping, screening, and **buffering** of off-street parking areas shall be provided to meet the requirements of §157.408.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.408 LANDSCAPE STANDARDS

(A) Purpose

The purpose of this section is to establish standards to provide adequate landscaping and screening and buffering between **buildings**, **structures**, parking areas, **driveways**, and activity areas and **adjacent uses**, **structures**, and **streets**. The objectives of these standards are to promote compatibility between different land **uses**; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual **developments**.

(B) Applicability

The requirements in this §157.408 shall apply to all requests for approval of a Primary or Secondary Development Plan, Site Plan Review, certain **Improvement Location Permits** (including permits for new outside activity areas), and Public Works parking lot permits, except that only the exterior area landscape standards shall apply in the DC, DE, and UC **districts**. The **Board of Zoning Appeals** and Hearing Officer may also consider and **use** these standards as **conditions** for the approval of applications. If this §157.408 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening. If there are multiple screening or buffering standards in the same area (for example, both a **building** and a parking area, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.

(C) Landscape Plan

A landscape plan shall be submitted to show conformance with this §157.408. 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) and shall be in a format and with supporting information as established by the **Plan Commission**.

(D) Standards and Requirements

(1) General Standards and Requirements

(a) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this §157.408. Existing trees intended to be preserved in order to meet the requirements of this section shall be protected during the construction of the project through the erection of a **fence** around the drip line of the tree.

(b) Location of Screening and Buffering Materials

Screening and buffering materials may be located either on the **lot line**, adjoining or within a parking area, or adjoining a **building**; however, screening and buffering plants and fencing may be located within a utility **easement** only if there is no conflict created with either existing or proposed utility facilities.

FORT WAYNE ZONING ORDINANCE

(c) Parking Area Landscape Standards Applicability

The edge buffering requirements §157.408(D)(2) and the interior parking **lot** landscaping requirements in §157.408(E) shall be applicable to the following:

(i) All new primary or accessory parking areas except that:

[A] The standards shall not apply to any pervious paver parking areas provided in addition to required parking; and

[B] In the DC and DE **districts**, the interior landscaping requirements of § 157.405(E) only apply for parking areas created after the effective date of this ordinance with more than twenty-five (25) spaces or exceeding eight thousand (8,000) square feet.

(ii) Any **addition** to an existing **lot** that increases the number of spaces by more than 25 or the parking area by more than 8,000 square feet, but increases the overall area of the **lot** by less than 50%, shall have the landscape standards applied to the additional **lot** areas only (an **addition** of less than 25 spaces and less than 8,000 square feet shall not have any applicable landscape standards).

(iii) Any **addition** to an existing **lot** that increases the overall **lot** area by over 50% shall have the perimeter parking area landscape standards (Code 13, 14, 15, or 17 as applicable) applied to the entire **lot** perimeter.

(d) Conflicts with Existing Utility **Easements** and Facilities

If this ordinance requires the placement of landscape materials within a platted or otherwise dedicated utility **easement**, and the policies or specifications of the utility providers using that **easement** prohibit that type of landscaping within the **easement**, an alternative location may be proposed by the applicant and approved by DPS to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(e) Conflicts with **Driveways** and Site Features

If this ordinance requires the placement of landscape materials within a location designated for a **driveway** or in a location where it would interfere with pedestrian access or with visibility of an existing permitted **sign** on the property an alternative location may be proposed by the applicant and approved by DPS to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials, the number of trees required along **public street frontages** is not reduced by more than one tree per **street frontage**, and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(f) Corner Visibility

All required screening and buffering shall be subject to the standards set forth in this ordinance.

(g) Plant Requirements

All trees and shrubs used for landscaping purposes shall be selected from the **Plan Commission's** adopted plant species list unless an alternative species is approved by DPS staff as part of a Development Plan or Site Plan review.

FORT WAYNE ZONING ORDINANCE

(h) Mounding Standards

All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%. If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%.

(i) Fencing Used for Screening

Where this section requires landscaping for the purpose of screening a **building** or activity area, a **fence** may be used to meet the screening requirement. Fencing used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance.

(j) Maintenance

(i) All plant material required by the provisions of this section shall be properly maintained in accordance with standard horticultural practices for a period of three (3) years from the date of the issuance of the **Certificate of Compliance** for the project. Any required plant or other screening material that dies or is otherwise removed during that time shall be replaced with equivalent plant or screening material by the **developer** or subsequent **owner**. If necessary, the **Planning staff** shall determine what new plant or other screening material shall be adequate to replace the dead, removed, or destroyed plant or other screening material.

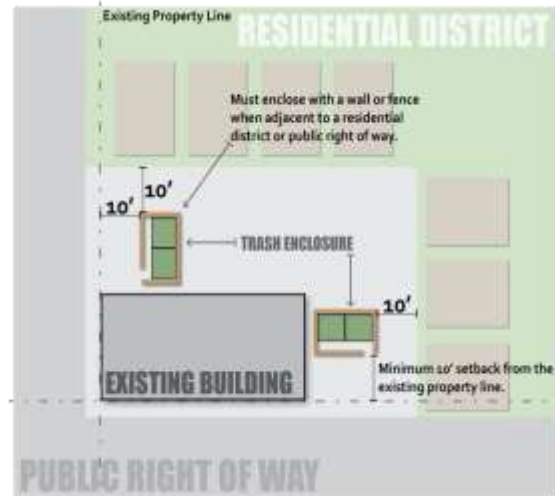
(ii) Any required plant material that dies or is otherwise removed after the three (3) year period may also be required to be replaced if staff is notified of the removal within one year of removal.

(2) Specific Standards and Requirements

(a) Each application subject to this section that falls under the **building** type shown in the tables titled “Landscape Codes – **Buildings** and Outside Activity Areas” or “Landscape Codes – Parking Areas” below shall include a buffer **yard** of that type, as shown the applicable “Buffer Yard Standards” table, along the edge(s) of the applicant’s property where the adjacency occurs. For example, an application with an adjacency situation identified in the Landscape Codes table as requiring a Code B-2 buffer **yard** shall include a Code B-2 buffer **yard** as defined in the Buffer Yard Standard tables. There may be more than one code required along a given property edge.

FORT WAYNE ZONING ORDINANCE

- (b) DPS staff may allow flexibility in the location of required plant materials to allow for landscaping that is equivalent to these standards in cases where the submitted landscape plan has been prepared by a licensed landscape architect.
- (c) All **refuse** dumpsters shall be located a minimum of ten (10) feet from any **lot line**, and shall be screened from any **adjacent residential district** and/or public **right-of-way** by a solid **wall** or **fence**.



FORT WAYNE ZONING ORDINANCE

- (d) The following landscape codes shall be applicable to the noted **building** types, **building heights**, and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTSIDE ACTIVITY AREAS			
Building Type	Building Height or Other Site Situation	Landscape Code, if Adjacent To:	
		Residential districts	Nonresidential districts
Office/Personal Service/ Other C1 Use Building	Up to 30 feet high	B-1	No requirement
	Over 30 feet high	B-2	No requirement
Commercial/Retail/ Industrial Building	Up to 30 feet high	B-3	No requirement
	Over 30 feet high	B-4	No requirement
Multiple Family Complex/ Manufactured Home Park	Up to two stories high	B-5	B-7
	Over two stories high	B-6	B-7
Nonresidential Outside Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-4
	Outdoor storage area	A-3.1	No requirement
	Other activity area	A-3	A-5

- (e) The following landscape codes shall be applicable to the noted parking area situations:

LANDSCAPE CODES – PARKING AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas over 50 spaces – interior landscaping	P-4

FORT WAYNE ZONING ORDINANCE

- (f) The following Code B-1 and B-2 buffer **yard** standards shall apply if an office, personal service, or other C1 use building is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office/Personal Service/Other C1 Use Building Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% small trees may be used	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-2		
Office/Personal Service/Other C1 Use Building Adjacent to a Residential (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% small trees may be used	75% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (g) The following Code B-3 and Code B-4 buffer yard standards shall apply if a commercial, retail, or industrial building is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-3		
Commercial, Retail, or Industrial Structure Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20 feet; a minimum of 5 per façade	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-4		
Commercial, Retail, or Industrial Structure Adjacent to a Residential District (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
30'	1 evergreen tree every 20 feet; a minimum of 5 per façade	75% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (h) The following Code B-5 and Code B-6 buffer yard standards shall apply if a **manufactured home park or multiple family building is adjacent** to a **residential district**:

BUILDING BUFFER YARD STANDARDS		
CODE B-5		
Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (One or Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
25'	1 tree every 30 feet (up to 50% small trees may be used)	Continuous 6' high solid wood fence
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-6		
Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (Over Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
30'	1 tree every 15 feet (up to 50% small trees may be used)	Continuous 6' high solid wood fence
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (i) The following Code B-7 buffer **yard** standards shall apply if a **manufactured home park or multiple family building** is not **adjacent** to a **residential district**:

BUILDING BUFFER YARD STANDARDS		
CODE B-7		
Manufactured Home Park or Multiple Family Building/Complex Not Adjacent to a Residential District		
WIDTH	TREES (per linear foot of parcel boundary)	SHRUBS (% of façade linear feet)
25'	1 tree every 30 feet (up to 50% small trees may be used)	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (j) The following Code A-1, A-2, A-3, and A-3.1 buffer **yard** standards shall apply if a nonresidential outside area is **adjacent** to a **residential district**:

OUTSIDE ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-1		
Nonresidential Driveway Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of driveway)	ADDITIONAL SCREENING
10'	1 every 30 feet	Continuous 6' high solid wood fence
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

OUTSIDE ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-2		
Drive-Through Facilities Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
15'	1 every 30 feet	Continuous 6' high solid wood fence
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

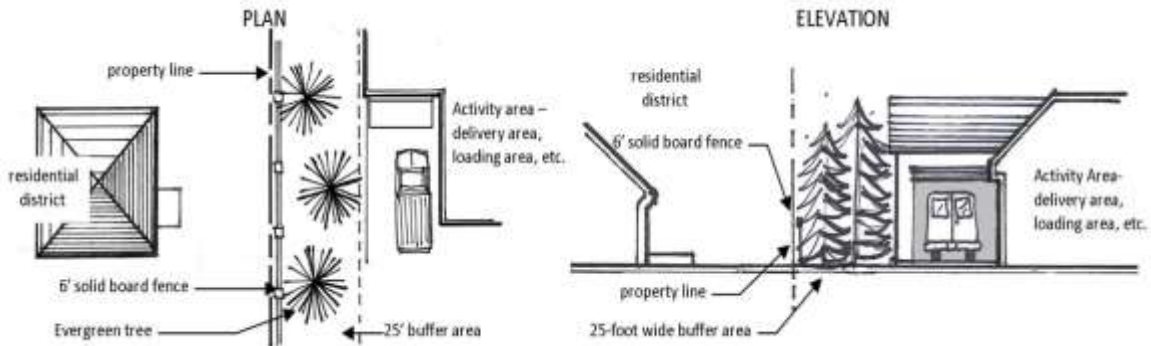
FORT WAYNE ZONING ORDINANCE

OUTSIDE ACTIVITY AREA BUFFER YARD STANDARDS

Code A-3

Certain Nonresidential Outside Activity Areas Adjacent to a Residential District (excluding outdoor storage areas)

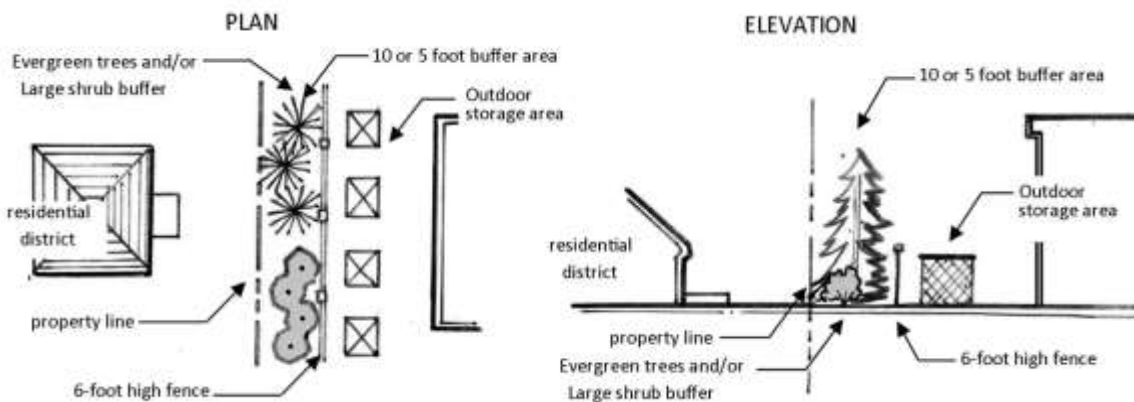
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
25'	1 evergreen tree every 20 feet	Continuous 6' high solid wood fence , either on the property line or immediately around the activity area



Code A-3.1

Outside Storage Areas Adjacent to a Residential District or a Street

WIDTH	SCREENING	ADDITIONAL BUFFERING (% of storage area lineal feet)
10' (5' if a solid fence is provided)	Continuous 6' high solid wood fence , either on the property line or immediately around the activity area; or a continuous non-solid fence , with additional evergreen tree and/or large shrub buffering	75 % evergreen tree or large shrub buffer



FORT WAYNE ZONING ORDINANCE

- (k) The following Code A-4 and Code A-5 buffer **yard** standards shall apply if a nonresidential outside activity area is adjacent to a **nonresidential district**:

OUTSIDE ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-4		
Drive Through Areas Not Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
5'	1 tree every 30 feet	None required
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

OUTSIDE ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-5		
Other Nonresidential Activity Areas Not Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING (around activity area)
5'	1 every 30 feet	Continuous large shrub screen
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

FORT WAYNE ZONING ORDINANCE

- (l) The following Code P-1 and Code P-2 buffer **yard** standards shall apply if a parking area is **adjacent** to a **public street**, private access drive, or **residential district** except that only the tree standard in Code P-1 shall apply if the parking area is located over 300 feet from the **street right of way**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-1		
Parking Area Adjacent to Public Street or Private Access Drive		
WIDTH	TREES (per linear foot of parking area)	SHRUBS
5'	1 every 60 feet	75% small shrub buffer; up to 30% medium shrubs may be used

CODE P-2		
Parking Area Adjacent to Residential District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
10'	1 every 40 feet	75% large shrub buffer

FORT WAYNE ZONING ORDINANCE

- (m) The following Code P-3 buffer **yard** standards shall apply if a parking area is **adjacent to a nonresidential district**:

CODE P-3 Parking Area Adjacent to a Commercial Zoning District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
5'	1 every 60 feet	50% small shrub buffer (in groups of at least 3)

The diagram illustrates the required buffer standards for a parking area adjacent to a non-residential district. It shows a parking lot with several cars. A dashed line represents the property line. A 5-foot wide planting bed is shown along the property line, containing shrub planting. A 60-foot distance is marked between trees. The diagram is labeled with 'shade tree', 'NON-RESIDENTIAL DISTRICT', 'property line', 'shrub planting, 50 % buffer', and '5-foot wide planting bed'.

FORT WAYNE ZONING ORDINANCE

- (n) The following Code P-4 interior landscaping standards shall apply to a parking area of over 50 spaces:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-4		
Parking Area Over 50 Spaces Interior Landscaping		
PLANTING AREA PER TREE (square feet)	PLANTING ISLANDS REQUIRED (At each end of parking bays)	ADDITIONAL PLANTING ISLANDS (Per each parking bay with more than 20 spaces)
300	One island of at least 300 square feet per parking bay	One island of at least 300 square feet per parking bay

FORT WAYNE ZONING ORDINANCE

(E) Additional Parking Area Landscape Standards

(1) Screening and Buffering

Screening and buffering of off-**street** parking areas shall be provided to meet the requirements of §157.408(D)(2).

(2) Planting Areas

The following **landscape planting area** requirements shall be calculated based on the gross square footage of the parking areas (not including **driveways** that are not **adjacent** to any **parking space**).

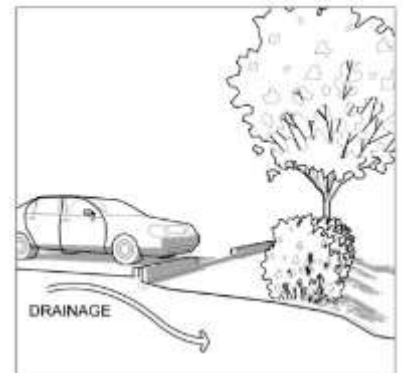
- (a) Except as set forth in §157.408(E)(2)(b) and (c) below, a minimum of 10% of the interior surface parking lot area shall be landscaped (in addition to any perimeter screening or buffering required per §157.408(D)(2)).



- (b) In surface parking lots over 100,000 square feet in size, a minimum of 15% of the interior parking area shall be landscaped (in addition to any perimeter screening or buffering required per §157.408(D)(2)).

- (c) A minimum of 300 square feet of planting area shall be provided per tree.

- (d) Required perimeter and interior landscaped areas shall maximize effective stormwater management by installing required interior planting areas at a lower grade than the parking lot pavement, with curbing that includes openings allowing drainage from the pavement to enter and percolate through the interior landscape areas. If approved by DPS staff, other planting areas may be designed and planted to be used for stormwater conveyance.



- (e) If approved by DPS staff, the internal planting areas may be designed and planted to be used for stormwater conveyance.

- (f) Each parking lot that serves a multi-**family** residential, commercial, public, institutional, civic, or mixed **use** and contains any **parking spaces** located more than 300 feet from the closest pedestrian entrance to the **primary building** shall contain at least one pedestrian walkway (which may be a site perimeter sidewalk) allowing pedestrians to pass from the furthest row of parking to the **primary building** entrance without crossing additional driving spaces or aisles. The required walkway must be at least five (5) feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the **primary building** façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five (5) feet to accommodate the walkway without reducing the amount of landscaped area.

FORT WAYNE ZONING ORDINANCE

(F) Alternative Landscaping/Buffering Compliance

(1) Purpose

In lieu of compliance with the specific landscaping, screening, and buffering requirements of this §157.408(A) through (E), the applicant may propose alternative compliance pursuant to this §157.408(F) as part of the submittal of a Primary **Development Plan**.

(2) Procedure

An application for alternative landscaping/buffering compliance shall be processed as an application for approval of a Primary Development Plan pursuant to §157.301(C).

(3) Criteria for Approval of Alternative Landscaping/Buffering

An application for alternative landscaping/buffering shall be approved if the **Plan Commission** determines that:

- (a) The proposed alternative promotes the purpose of §157.408(A);
- (b) The proposed alternative will equal or exceed the amount of trees, shrubs, and planting area required by §157.408(A) through (E) above; and
- (c) The proposed alternative will screen or buffer **adjacent** properties from visual, lighting, and noise impacts from the same **buildings**, areas, or site features addressed by §157.408(A) through (E) as well as or better than compliance with the standards in those Sections.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.409 SIGNS

(A) Purpose

The purpose of this section shall be to:

- (1) Regulate the time, place, and manner of the display of **signage** and non-**sign** visual displays;
- (2) Coordinate the type, placement, and dimensions of **signs** within the different **zoning districts**;
- (3) Recognize the commercial communication requirements of all sectors of the business community;
- (4) Establish updated language and standards for the various types of **signs** and land **use** situations;
- (5) Encourage the innovative **use** of design;
- (6) Promote both **sign renovation** and proper **sign** maintenance;
- (7) Provide for the treatment of nonconforming **signs**;
- (8) Encourage equal treatment through accurate record keeping and consistent enforcement;
- (9) Avoid content-based regulation prohibited by the federal or state constitution, statutes, or court decisions.

(B) Applicability

- (1) The provisions of this section apply to all **structures**, displays, and surface treatments that meet the definition of a **sign** in §157.506 and shall apply throughout the **planning jurisdiction** of Fort Wayne.
- (2) An **Improvement Location Permit** shall be required before the construction, display, enlargement, erection, reconstruction, placing or locating of all **signs** regulated by this section, except as exempted in §157.409(C) below.
- (3) It shall be a **violation** of this ordinance for any **sign** to be constructed, displayed, enlarged, erected, reconstructed, or otherwise altered except as provided in this section. Any **person**, agent, contractor, lessee, **owner**, **sign** company, or tenant violating the provisions of this section or failing to comply with any order or determination made under this ordinance shall be subject to the enforcement provisions of this ordinance
- (4) **Signs** regulated by this section may also be subject to the regulations of the Indiana Department of Transportation (INDOT); where such regulations are more restrictive than this chapter, the INDOT regulations shall govern.
- (5) For purposes of determining **street** classifications for **signage** purposes in this §157.409, refer to the Northeast Indiana Regional Coordinating Council (NIRCC) 2008 Functional Classification System for Allen **County** Indiana, as may be amended.

FORT WAYNE ZONING ORDINANCE

(C) **Improvement Location Permit** Not Required

The on-site **signs** listed in subsection (1) below, and the **temporary signs** listed in subsection (2) below, may be erected or placed, in addition to other permitted **signs**, without obtaining an **Improvement Location Permit**. However, a **violation** of any standard or condition for such **sign** shall be considered a **violation** of this ordinance.

(1) **Permanent On-Site Signs**

- (a) Agriculturally-related **signs**, such as seed dealer and test plot **signs**,
- (b) Flags of federal, state, or local governments;
- (c) Historical or commemorative plaques or tablets;
- (d) Historically **significant signs** that have been reviewed and approved by the Historic Preservation Review **Commission** in conformance with any historic preservation ordinance in effect at the time of review;
- (e) Information **signs** that direct traffic within a premises or that identify key locations on the premises subject to the following standards:
 - (i) In the DC and DE **zoning districts**, one (1) **sign** is permitted per site entrance and no **sign** shall exceed two (2) square feet in area or 2.5 ft. in height.
 - (ii) In other **zoning districts**, no **sign** shall exceed six (6) square feet in area or three (3) feet in height.
- (f) Memorial plaques, tablets, or **building** cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the **building** or **structure** it identifies.
- (g) **Noncommercial opinion signs** subject to the following standards and limitations:
 - (i) In the AR, R1, R2, R3, RP, MHP, or MHS **zoning districts**, up to two (2) **wall** or **freestanding signs** shall be permitted per **lot** or **development site**. No **sign** shall exceed twelve (12) square feet in area and no **freestanding sign** shall exceed four (4) feet in height. The **sign(s)** may be located in a required **yard**.
 - (ii) In any other **zoning district**, one **wall** or **freestanding sign** shall be permitted per **lot** or **development site**. No **sign** shall exceed thirty-two (32) square feet in area, and no **freestanding sign** shall exceed six (6) feet in height. The **sign** may be located in a required **yard**.
- (h) **Signs** authorized by a governmental entity, including traffic and warning **signs**, public notices, and proclamations erected or displayed in discharge of a government function, or where required by ordinance.
- (i) Reflectors and other safety **signs** or devices used to mark **driveways**, towers, **airport** approaches, underground public utilities, and other potentially dangerous **structures** or situations.
- (j) **Signs** painted, printed or mounted on licensed and operable vehicles that are incidentally visible on any vehicle in connection with the **use** of such vehicle for transportation purposes, but excluding vehicles (including trailers) specifically constructed for **use** as **signs** rather than for transportation of other goods.
- (k) **Signs**, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or other risks to public health or safety.
- (l) Off-site **wall signs** not exceeding six (6) square feet providing directions to nearby properties.

FORT WAYNE ZONING ORDINANCE

(2) Temporary Signs

The **temporary signs** listed in the following table are permitted subject to the **conditions** for that type of **sign**. Unless otherwise noted, only one type of **temporary sign** may be present on a **development site** at the same time (this limitation shall not apply to **noncommercial opinion signs**). No **temporary sign** may be mounted on a **fence**. Holiday lighting is not considered **signage**, and is not subject to the provisions of this section.

TEMPORARY SIGN STANDARDS			
Sign Type	Zoning Districts	A/R/MH Districts	All Other Districts
Auction			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Construction			
Signs per development site (wall or freestanding)		1	1/multiple
Maximum size (square feet)		12	32 per sign or 100 if only one sign
Maximum height (feet)		4	6 per sign or 10 if only one sign
Setback from lot line (feet)		5	5
Removal (# of days after C of O issuance)		30	30
Special Event			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Mobile			
Signs per development site (freestanding only)		0	1
Maximum size (square feet)		N/A	32
Maximum freestanding sign height (feet)		N/A	6
Setback from lot line (feet)		N/A	5
Placement limitation (number of times per year)		N/A	2
Time limitation (number of days per placement)		N/A	30

FORT WAYNE ZONING ORDINANCE

TEMPORARY SIGN STANDARDS			
Sign Type	Zoning Districts	A/ R/MH Districts	All Other Districts
Noncommercial Opinion			
Signs per development site (wall or freestanding)		No limit	No limit
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		5	5
Placement limitation (January 1 of election year)		Yes	Yes
Removal requirement (# of days after election)		30	30
Real Estate			
Signs per street frontage (wall or freestanding)		1	1
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		None	None
Removal requirement (number of days after sale, rental, or lease)		7	7

FORT WAYNE ZONING ORDINANCE

(D) General **Sign** Standards

All non-**billboard signs** shall meet the standards in the following tables for the **zoning district** in which the **sign** is located, as well as the standards in §157.409(D)(2) (Standards Applicable in All **Zoning districts**) and §157.409(F) (General Provisions and Standards).

(1) Standards Applicable in Specific **Zoning Districts**

(a) General Standards

AR, MH, AND RESIDENTIAL DISTRICT PERMANENT SIGN STANDARDS							
Land Use	Zoning District	AR	R1	R2	R3	RP	MH
Single and Two Family Dwellings							
Signs per dwelling (wall or freestanding, non-illuminated)		1	1	1	1	1	1
Maximum size (square feet)		3	3	3	3	3	3
Maximum freestanding sign height (feet)		4	4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5	5
Universal and other permitted Non-Residential Uses							
Signs per development site (freestanding)		1	1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50	50
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum freestanding sign height		8	8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50	50
Maximum size, wall (square feet)		80	80	80	80	80	80
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%	10%
Subdivisions							
Signs per manufactured home community, multiple family housing project, or subdivision plat entrance		2	2	2	2	2	2
Maximum size (square feet)		50	50	50	50	50	50
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5

FORT WAYNE ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Freestanding							
Up to 300 ft. of frontage on an arterial street, or on a collector/other public or private street (excluding Interstates)							
Number of signs per street frontage (up to a total of two signs per lot)		1	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum changeable copy area		40	40	40	40	40	40
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		50	50	50	50	50	50
More than 300 ft. of frontage on an arterial st.							
Number of signs per lot (per street frontage)		1	1	1	1	1	1
Maximum size (square feet)		80	100	100	300	300	300
Maximum changeable copy area (square ft.)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		50	100	100	150	150	150
Additional sign for properties with over 500 feet of frontage on an interstate highway (I-69 or I-469; on premise only)							
Number of signs per lot		N/A	N/A	N/A	1	1	1
Maximum size (square feet)		N/A	N/A	N/A	100	100	100
Maximum changeable copy area (square ft.); digital signs not permitted		N/A	N/A	N/A	40	40	40
Maximum height (feet)		N/A	N/A	N/A	30	30	30
Setback from lot line (feet)		N/A	N/A	N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	N/A	N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		N/A	N/A	N/A	50	50	50

FORT WAYNE ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Entrance signage for projects with multiple lots/parcels or multiple buildings on a single parcel (permitted for new development proposals with over 500 feet of frontage on a public street)							
Number of signs per development site (per street frontage; sign shall be located on the public street frontage where the entrance is located)		2	1	1	1	1	1
Maximum size (square feet)		80	150	150	300	300	300
Maximum changeable copy area (square ft.)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet)		50	50	50	50	100	100
Wall							
Maximum coverage (per facade)		30%	30%	30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Awning							
Maximum coverage (of outer awning surface)		50%	50%	50%	50%	50%	50%
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Blade Permitted for lot frontages located on principal arterial streets only							
Maximum size (square feet)		80	80	80	80	80	80
Distance sign can extend from building (feet)		4	4	4	4	4	4
Canopy							
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1	1	1
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Building Directory Additional sign for a building with multiple internal tenants							
Number of signs permitted (per building)		1	1	1	1	1	1
Maximum size (square feet)		50	50	50	50	50	50
Maximum height of sign (feet)		6	6	6	6	6	6
Setback from lot line (feet)		5	5	5	5	5	5
Drive Through For a primary building with an accessory drive through facility							
Number of signs permitted (per lot)		1	2	2	2	2	2
Maximum size (square feet)		20	50	50	50	50	50
Maximum height (feet)		6	10	10	10	10	10
Setback from lot line (feet) May not be located in required front or side yard		5	5	5	5	5	5

FORT WAYNE ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Gas Station							
Gas pump embellishment maximum size (square feet)		2	2	2	2	2	2
Subdivision Plat							
Number of signs per entrance		2	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum height		8	8	8	8	8	8

DOWNTOWN AND CORRIDOR DISTRICT PERMANENT SIGN STANDARDS				
Sign Type	Zoning District	DC	DE	UC
Freestanding				
DC signs shall be ground-mounted signs (pole-mounted signs are not permitted)				
Number of signs per street frontage		1	1	1
Maximum size (square feet)		50	50	80
Maximum changeable copy area		40	40	40
Maximum height (feet)		8	8	8
Setback from lot line (feet)		0	5	5
Setback from residential zoning district (distance indicated or 5 ft. from side lot line opposite residential district, whichever is less)		50	50	50
Wall				
Signs shall not cover exterior windows; for multiple tenant space buildings the allowance shall be per tenant space facade				
Maximum coverage per facade (below second story sill)		10%	25%	25%
Maximum coverage per facade (above second story sill)		5%	25%	25%
Maximum changeable copy area (square feet)		40	40	40
Awning				
Maximum coverage (of outer awning surface)		50%	50%	50%
Setback from lot line (feet)		0	0	0
Backlighting permitted		Yes	Yes	Yes
Blade				
Permitted for properties located on principal arterial streets				
Maximum size (square feet)		80	80	80
Distance sign can extend from building (feet)		4	4	4
Canopy				
Maximum coverage (of front and side canopy faces)		50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1
Backlighting permitted		Yes	Yes	Yes

FORT WAYNE ZONING ORDINANCE

DOWNTOWN AND CORRIDOR DISTRICT PERMANENT SIGN STANDARDS				
Sign Type	Zoning District	DC	DE	UC
Drive Through				
For a primary building with an accessory drive through facility;				
Number of signs permitted (per lot)		2	2	2
Maximum size (square feet)		50	50	50
Maximum height		6	10	10
Setback from lot line (feet)		0	0	0
Shall not be located in required front or side yard				
Marquee				
Maximum height of sign (feet)		5	5	5
Distance sign can extend above marquee (feet)		6	6	6
Projecting				
Maximum size (square feet)		12	12	12
Distance sign can extend from building (feet)		4	4	4

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
Freestanding (all on-site only)					
Up to 300 ft. of frontage on an arterial street, or on a collector or other street					
Number of signs per street frontage		1	1	1	1
Maximum size (square feet)		80	80	80	80
Maximum changeable copy area (square feet)		40	40	40	40
Maximum height (feet)		8	8	8	8
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		50	50	50	50
Over 300 ft. of frontage on an arterial street, or on a collector or other street					
Number of signs per street entrance if lot or parcel contains one primary building		1	1	1	1
Number of signs per street entrance if lot or parcel contains more than one primary building		2	2	2	2
Maximum size (square feet)		80	100	100	300
Maximum changeable copy area (square feet)		40	40	40	40
Maximum height (feet)		8	15	15	30
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		50	100	100	150

FORT WAYNE ZONING ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
Additional signage if lot has over 500 ft. of frontage on an interstate highway (I-69 or I-469)					
Number of signs per lot		N/A	1	1	1
Maximum size (square feet)		N/A	100	100	100
Maximum changeable copy area (square ft.); digital signs not permitted		N/A	40	40	40
Maximum height (feet)		N/A	30	30	30
Setback from lot line (feet)		N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district , whichever is less)		N/A	50	50	50
Wall					
Maximum coverage (per facade)		30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40
Awning					
Maximum coverage (of outer awning surface)		50%	50%	50%	50%
Backlighting permitted		Yes	Yes	Yes	Yes
Canopy					
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1
Backlighting permitted		Yes	Yes	Yes	Yes
Building Directory					
Additional sign for a building with multiple internal tenants					
Maximum size (square feet)		50	50	50	50
Maximum height of sign (feet)		6	6	6	6
Setback from lot line (feet)		5	5	5	5
Drive Through					
For a primary building with an accessory drive through facility;					
Number of signs permitted (per lot)		1	2	2	2
Maximum size (square feet)		20	50	50	50
Maximum height (feet)		6	10	10	10
Setback from lot line (feet); Shall not be located in required front or side yard		5	5	5	5
Gas Station					
Gas pump embellishment maximum size (square feet)		2	2	2	2
Subdivision or Multiple Lot Development Plan					
Number of signs per development entrance		2	2	2	2
Maximum size (square feet)		150	150	150	150
Maximum height (feet)		10	10	10	10

FORT WAYNE ZONING ORDINANCE

(2) Standards Applicable in All **Zoning Districts**

(a) **Awning Signs**

- (i) **Awning signs** shall be affixed flat to, or painted upon, the surface of the **awning**.
- (ii) **Awning signs** shall not extend vertically or horizontally beyond the limits of the **awning** to which they are attached.
- (iii) **Awning signs** shall not be internally illuminated.
- (iv) **Awnings** shall be permitted to extend up to four (4) feet into a required **front yard** or into a **right-of-way**, if the **awning** is at least eight (8) feet above grade.

(b) **Changeable Copy Area and Digital Signs**

- (i) Unless specifically prohibited, **changeable copy** area and digital **signs** shall be permitted to be up to 40 square feet of the area of a permitted freestanding or **wall sign**.
- (ii) Digital **signs** may not be operated to allow an image or component to change, rotate, move, flash, or blink at a rate exceeding one image per six (6) seconds. The change time between images shall be no more than 0.25 second. This includes the **use** of lighting to depict action or animation or to create a special effect or scene through any of the following: blink, flash, flicker, scintillate, scroll, or variations in intensity or brightness that depict or give the appearance of action, motion, movement, or rotation. Only static text and graphics shall be permitted. The digital display shall contain a default mechanism that will freeze the **sign** in one position if a malfunction occurs.
- (iii) Digital **signs** that scroll or **travel** may not be in motion longer than ten (10) seconds with a minimum of 3 seconds delay until **transition** to another message.
- (iv) Digital **sign** illumination shall not exceed 4,500 **nits** from 30 minutes after sunrise to 30 minutes before sunset and 500 **nits** during other hours.
- (v) Each digital **sign** shall have an automatic dimmer control, to produce a distinct illumination change from a higher illumination level to a lower illumination level in order to comply with the daytime and nighttime illumination levels in subsection (iv) above, and to adjust **sign brightness** based on ambient lighting levels. The dimmer control shall be activated at all times that the **sign** is in operation.
- (vi) Each digital **sign** shall have an automatic cutoff device that results in a blank **sign** in the event of a mechanical or electrical malfunction in the **sign**.

(c) **Marquee Signs**

- (i) All portions of the marquee and attached **signs** shall have a minimum clearance of eight feet above the walk or grade below.
- (ii) Each face of a marquee shall be allowed to have a **sign**.
- (iii) Each **sign** may extend the entire length of the marquee face on which it is located
- (iv) Each **sign** may project up to six (6) feet above the roof of the marquee face on which it is located, but not above the cornice **wall** or roof of the **building**.

FORT WAYNE ZONING ORDINANCE

(d) **Drive Through Signs**

Drive through **signs** are only permitted in conjunction with a **primary building** with an accessory **drive-through facility**.

(e) **Projecting Signs**

All portions of the **projecting sign** shall have a minimum clearance of eight feet above the walk or grade below.

(f) **Roof Signs**

Roof signs are prohibited

(g) **Wall Signs**

(i) When located on a **building wall**, **wall signs** shall be mounted substantially parallel to that **wall** and shall project no more than twelve (12) inches from the **wall**

(ii) When mounted on a mansard roof, **wall signs** shall be mounted so that the lower edge of the **sign** is no more than twelve (12) inches from the mansard roof surface and the top edge is no further from the mansard roof surface than necessary to allow the **sign** to be mounted vertically.

(iii) No portion of the **wall sign** shall project above the cornice **wall** or roof of the **building** to which they are attached.

(h) **Window Signs**

Window signs shall be permitted in accordance with the applicable **wall sign** provisions.

(3) **Board of Zoning Appeals Approved Uses Signs**

Sign regulations for **uses** permitted by the **Board of Zoning Appeals** pursuant to §157.503(F)(Use Variance) shall be as specified in any written decision approved by the **Board** in connection with that **use**. If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

(4) **Plan Commission Approved Uses Signs**

Sign regulations permitted by the **Plan Commission** pursuant to §157.301 (Development Plans) shall be as specified in any written decision approved by the **Plan Commission** in connection with that **use**. As part of its approval, the **Plan Commission** may waive or modify certain **sign design standards** as part of its approval of a **Development Plan** as provided in 157.405(B). If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

FORT WAYNE ZONING ORDINANCE

(5) Master Sign Plan

(a) Authority

An applicant for a **development** containing multiple **buildings** on a single **parcel** or multiple **buildings** on separate contiguous **parcels** may file an application for a **Master Sign Plan** to reallocate certain aspects of the on-site **sign area**, to increase the number or size of individual **signs**, available in the **zoning district** where the applicant's property is located pursuant to §157.409.(D)(1). A **Master Sign Plan** is not available for a single **lot** or **parcel** containing a single principal **building**. The **Plan Commission** shall not be permitted to approve **signage** that exceeds the maximum height standards

(b) Review by Plan Commission

The **Master Sign Plan** application shall be treated as a Primary **Development** Plan for review by the **Plan Commission**, but the criteria in subsection (c) below shall apply instead of the criteria in §157.301.

(c) Criteria for Review and Approval

The **Plan Commission** shall approve the application for a **Master Sign Plan** if it finds that:

- (i) The application reflects an overall **sign** program of a consistent architectural design.
- (ii) The requested **signage** will not create an adverse impact on **adjacent County** or Fort Wayne residential or office **zoning districts**.
- (iii) The application does not request a **sign** with a maximum height taller than that otherwise permitted for that **sign** pursuant to §157.409(D)(1).

(d) Board of Zoning Appeals

A request to permit **signs** not permitted by this §157.409 that does not meet the criteria for approval in subsection (c) above may be submitted to the **Board of Zoning Appeals** for review and decision under §157.503(E) (Variances of **Development** Standards).

(6) Nonconforming Use Signs

A **nonconforming use** may continue to **use** that **sign(s)** in **use** at the time the **use** became nonconforming (or if that date is unknown, then the date on which the **nonconforming use** was first documented), and may repair the **sign** and change the message or **sign** face as permitted for an on-site **signs**. The size, height, or illumination (if any) of the **sign** may not be increased, and the **sign** may not be converted from a static to a digital **sign**.

FORT WAYNE ZONING ORDINANCE

(E) **Billboard Sign Provisions**

(1) **Locations Permitted**

Billboard signs are permitted only in the SC, C3, C4, I1, I2, and I3 **zoning districts**.

However, regardless of the zoning of the property, **billboard signs** shall not be permitted on properties with **frontage** on **Airport Expressway**.

(2) **Standards**

To construct a new digital or static **billboard sign**, expand an existing **billboard sign** to a larger **billboard sign**, or convert an existing non-registered static **billboard sign** to a digital **billboard sign**, the **sign** shall meet the standards set forth in the table below, and shall also have provided the **sign area** removal credits required in the **Sign Removal Credits Required for Billboard Sign Construction or Conversion** table.

BILLBOARD SIGN STANDARDS		
Sign Size	Zoning District	SC, C3, C4, I1, I2, I3
100 square foot freestanding billboard		
Lot shall be located on a principal arterial		
Number of signs per lot		1
Lineal distance from nearest billboard sign (feet)		300
Lineal distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		300
Lineal distance from County or Fort Wayne C1 district (feet)		150
Lineal distance from County A , MH, or R district (feet)		300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		300
Radial distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		125
Maximum height (feet)		30
Minimum setback from lot line (feet)		15
Maximum area of billboard embellishments (% of main sign area)		15
300 square foot freestanding billboard standards		
Lot shall be located on a principal arterial		
Number of signs per lot		1
Lineal distance from nearest billboard sign (feet)		500
Lineal distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		300
Lineal distance from County or Fort Wayne C1 district (feet)		150
Lineal distance from County A , MH, or R district (feet)		300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		300

FORT WAYNE ZONING ORDINANCE

BILLBOARD SIGN STANDARDS		
Sign Size	Zoning District	SC, C3, C4, I1, I2, I3
Radial distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		125
Maximum height (feet)		35
Minimum setback from lot line (feet)		20
Maximum area of billboard embellishments (% of main sign area)		15
672 square foot freestanding billboard standards		
Lot shall have frontage on I-69 or I-469		
Number of signs per lot		1
Lineal distance from nearest billboard sign (feet)		500
Lineal distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		300
Lineal distance from County or Fort Wayne C1 district (feet)		150
Lineal distance from County A, MH, or R district (feet)		300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		300
Radial distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		125
Maximum height (feet)		35
Setback from lot line (feet)		20-50
Maximum area of billboard embellishments (% of main sign area)		15

(3) **Billboard Sign Registration, Renovation, and Maintenance**

(a) Registration of Existing Billboards

Billboard signs existing on the effective date of this ordinance shall be registered with DPS no later than December 31, 2014. All **signs** registered by December 31, 2014, shall be deemed permitted **signs**.

(b) **Renovation** and Maintenance

Any **billboard sign** that exceeds the size or height standards of this §157.409(E) and that has been registered as required by subsection (a) above shall be permitted to be maintained or renovated. **Renovation** shall include the replacement of the **sign** and/or the **sign structure**, provided the size or height of the **sign** is not increased, and the **sign** remains in the same location. However, the conversion of a non-digital **sign** to a digital **sign** shall not be permitted.

FORT WAYNE ZONING ORDINANCE

(4) **Billboard Sign** Cap and Replace System

(a) Removal of **Sign Area** Required for New Billboard

After the effective date of this ordinance, no new billboard may be erected in any **zoning district** unless existing billboard area is removed and **sign** removal credits are presented pursuant to this §157.409(E)(4).

(b) Removal of **Sign Area** Required for Conversion of Existing Billboard to Digital

After the effective date of this ordinance, no existing billboard may be converted to a digital billboard with more than 40 square feet of **changeable copy** area unless:

- (i) The billboard is registered as set forth in 157.409(E)(3):
- (ii) The billboard is located on a **street** classified as an Interstate, Other **Freeway/Expressway**, Other **Principal Arterial**, or **Minor Arterial street** as set forth on the most recently-adopted Northeast Indiana Regional Coordinating Council Functional Classification System map;
- (iii) The billboard is located in an SC, C3, C4, I1, I2, or I3 **zoning district**:
- (iv) The billboard is located no closer than 500 feet to another billboard with digital copy area:
- (v) The billboard is located no closer than a 150 foot radial distance from a Fort Wayne AR, DC, DE, UC, MH, or R **district**, or a **County A**, MH, or R **district**:
- (vi) The size and height of the billboard are not increased: and
- (vii) Existing billboard area is removed and **sign** removal credits are presented pursuant to this §157.409(E)(4).

(c) Removal of Existing **Sign Area**

After the effective date of this ordinance, no ILP shall be approved for a construction of a new **billboard sign** or for conversion of an existing **sign** to a digital **sign** containing more than 40 square feet of **changeable copy** area unless the applicant has documented that it has obtained the amount of **sign** removal credits required by §157.409 (E)(4)(f).

(d) **Sign** Removal Eligible for Credits

Sign Removal Credits shall only be issued for the removal of **billboard signs**. **Sign** Removal Credits shall not be issued for the removal of:

- (i) **Temporary signs**;
- (ii) On-site **signs**.

FORT WAYNE ZONING ORDINANCE

(e) Number of **Sign** Removal Credits Issued

Upon submission by a **sign owner** of documentation that an eligible **billboard sign** has been removed, DPS shall issue to the **owner** of the removed **billboard sign(s)** the number of credits shown in the table below. For two-sided **signs**, credits shall only be issued based on the area of one of the **sign** faces.

Type of Signage Square Footage Removed	Credits Issued (per square foot of sign area removed)
Registered Signs outside of a Downtown/ Gateway area	
Digital sign area	2
Static (non-digital) sign area	1
Registered Signs within a Downtown/ Gateway area (digital and static)	4
Unregistered Signs	
Digital and static (non-digital)	1/2

(f) **Sign** Removal Credits Required for **Billboard Sign** Construction or Conversion

To construct a new digital or static **billboard sign**, expand an existing **billboard sign** to a larger **billboard sign**, or convert an existing static **billboard sign** to a digital **billboard sign**, **sign area** removal credits shall be required as set forth in the table below.

Request	Credits Required (per square foot of sign area constructed)	
	Outside SC district and Gateway areas	In an SC district or Gateway area
Construct a new digital billboard	4	5
Construct a new static billboard	2	3
Expand an existing digital billboard	2	5
Expand an existing static billboard	2	3
Convert an existing static billboard to a digital billboard	4	5
Construct up to 40 square feet of digital signage on an new or existing static billboard	4	5

(g) Map of Downtown/**Gateway** Area for Purposes of **Sign** Removal Credits

For purposes of applying the tables in §157.409(E)(4)(e) and §157.409(E)(4)(f), the Downtown/**Gateway** area is:

- (i) The DC and DE **zoning districts**; and
- (ii) The property located within fifty (50) feet of the **right-of-way** line of those primary **Gateway** Corridor segments as set forth in the Front Door Fort Wayne plan, and shown on the following map.

Legend

- Gateway Interchange
- Activity Node
- Gateway Corridors
- City of Fort Wayne
- City Welcome Marker

Created by: M. H. H.
 Project: Fort Wayne Gateway Study
 Date: 10/10/10

(i) An application for **Sign** Removal Credits shall be submitted no later than six (6) months after the **sign** removal is completed.

- ## Chapter 157 – Zoning Ordinance
- ### Additional General Standards

FORT WAYNE ZONING ORDINANCE

transfer. Upon request and presentation of evidence of the transfer acceptable to DPS, DPS shall issue a replacement certificate naming the buyer as the **owner** of the certificate.

- (iii) **Sign Removal Credits** that are not used for the construction of a new **billboard sign** shall expire if not used within ten (10) years from date of issuance.

(F) General Provisions and Standards

(1) Corner Visibility Areas

No **temporary sign** and no permanent on-site or off-site **sign**, other than a governmental traffic control or directional **sign**, shall be located within the "**corner visibility areas**" as defined in this ordinance.

(2) Expired Signs

No on-site **sign** shall be displayed longer than 30 calendar days after becoming an **expired sign**. The **Zoning Administrator** may require the covering of any **expired sign**, **sign face**, or **sign copy area**. If covering is required, the covering material shall be durable, and shall be replaced by the **sign owner** upon notice from the **Zoning Administrator** that it has become worn or damaged. If the **primary building** is removed, then the **sign** may be determined by the **Zoning Administrator** to be an illegal **sign**, subject to removal by the property **owner** at the direction of the **Zoning Administrator**. However, if at any time a freestanding **expired sign** is determined by the **Zoning Administrator** to create a safety or health issue, the **Zoning Adminsitator** may pursue the removal of the **sign** in conjunction with the **Allen County Building Department**.

(3) Illumination

- (a) No **sign** shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this §157.409.
- (b) External light sources shall be concealed from view at ground level at and beyond **lot lines**.
- (c) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero footcandles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (d) External light sources on **signs** larger than 100 square feet shall be mounted above the **sign** so as to shine downward.
- (e) Any external **sign** light source or lamp that emits more than 900 **lumens** (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture to minimize the potential for **glare** on **adjacent** property.
- (f) Digital **signs** shall comply with illumination standards in §157.409(D)(2)(b).

(4) Maintenance and Removal

- (a) No **sign** or part thereof shall be erected or maintained except in conformance with the provisions of this §157.409.
- (b) All **signs** shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of the **sign**.

FORT WAYNE ZONING ORDINANCE

(5) Message Substitution

A non-commercial message may be substituted for a commercial message on any **sign** permitted by this §157.409.

(6) Prohibited **Signs**

The following are prohibited for all on-site and off-site, unless they qualify as permitted **temporary signs**:

- (a) Strings of exposed light bulbs, pennants or streamers;
- (b) **Signs** painted on or attached to rocks, trees, or any other natural **object**, except those **signs** created or erected with the approval of the **City** or an authorized quasi-governmental entity to commemorate a historic event or place;
- (c) **Signs** that revolve or flash;
- (d) **Signs** similar in appearance, color, lighting, shape, or size to emergency, railroad, or traffic **signs** or signals;
- (e) Vehicle **signs**; and
- (f) **Signs** mounted on **fences**.

(7) **Projecting Sign** Minimum Clearance

- (a) No **sign** shall be erected upon, maintained in, encroach upon or overhang any public **right-of-way** without the approval of the **Board of Public Works**, except as expressly provided in this §157.409, or by state and federal law.
- (b) Each **sign** permitted to project over a sidewalk or public **right-of-way** by this §157.409 shall have a minimum clearance of eight (8) feet above grade.

(8) **Sign** Measurement

- (a) Radial measurements shall start from the center of the **sign** base at grade, and extend outward in a circular manner for the distance specified.
- (b) Lineal or linear measurements shall start from the center of the **sign** base at grade as projected at a right angle to the nearest **right-of-way** line, and then extend as stated in the applicable **sign** standard.
- (c) **Sign height** shall be determined by measuring from the tallest portion of the **sign** to ground level at the lowest grade level within two feet of either side of the **sign**.
- (d) **Sign area** measurements shall include the **sign** face and any portion of the **sign structure** with words, logos, pictures, or symbols intended to be read by the public, but shall not include portions of the **sign structure** that do not include such words, logos, pictures or symbols.
- (e) **Sign area** measurements for **changeable copy** shall not include a border up to 4 inches in width designed to enclose the **changeable copy** provided that **changeable copy** does not appear on the border area.
- (f) The area of a V-type **sign** not exceeding an angle of 60 degrees shall be calculated on one face of the **sign** only.
- (g) **Sign** illumination is measured in **candelas** per square meter, also known as “**nits**”, as measured at the **sign** face.

FORT WAYNE ZONING ORDINANCE

(9) Pre-existing **Signs**

Any on-site or off-site **sign**:

- (a) That was legally erected in compliance with a former **sign** regulation ordinance in effect prior to the effective date of this ordinance; and
- (b) That is not the subject of a notice of **violation** issued by the **City** prior to the effective date of this ordinance; and
- (c) Which is not in compliance with the standards in this ordinance; and
- (d) For which the **owner** has filed an application for registration of the **sign** prior to one year after the effective date of this ordinance, shall be deemed to be a conforming **sign** and shall not be subject to enforcement or penalties under §157.505 for any aspect of the **sign** that met the **sign** regulations applicable at the time the **sign** was erected but that does not meet the **sign** standards in this ordinance.

(10) Nonconforming **Signs**

- (a) Any **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, but that no longer complies with the provisions of this ordinance, is a nonconforming **sign** subject to the provisions of this §157.409(F)(8).
- (b) A digital **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, and that continues to comply with the standards of this ordinance regarding the physical **structure** and location of the **sign**, but that is found to be in **violation** of this ordinance regarding the digital display, shall only be a nonconforming **sign** if the digital display cannot be reprogrammed to bring the digital display into compliance with this ordinance.
- (c) Reasonable repairs, alterations and conversions may be made to nonconforming non-billboard **signs** as long as the location of the **sign** is not changed and the height or area of the **sign** is not increased. In addition:
 - (i) If the **sign** is covered, it can be re-used; or
 - (ii) If the cabinet is removed, a new cabinet can be placed on the existing pole, provided the cabinet complies with the current **zoning district** square footage limitation; or
 - (iii) If the pole is removed then the entire **sign** has to be brought into compliance
- (d) If any nonconforming **sign** is damaged by any means, including an act of God, and the damage exceeds 50% of the replacement value of the **sign**, as documented in writing by an established **sign** repair firm, the **sign** may be restored, reconstructed, altered or repaired only in conformance with the provisions of this §157.409.
- (e) If the **primary structure** on a **lot** or **parcel** is demolished any non-conforming **sign** on the **lot** or **parcel** shall be removed, repaired, or reconstructed so as to comply with the **sign** regulations for new **signs** in the **district** where the property is located.

FORT WAYNE ZONING ORDINANCE

§ 157.410 RESERVED

FORT WAYNE ZONING ORDINANCE

§ 157.411 AIRPORT OVERLAY DISTRICTS

(A) Purpose

The purpose and intent of the **Airport Overlay Districts (AODs)** is to:

- (1) Promote the public health, safety, convenience, and general welfare of the residents surrounding the Fort Wayne International **Airport** (FWA) and Smith Field **Airport** (SMD); and
- (2) Protect the approaches to each **airport** and surrounding **airspace** from encroachment and limit the exposure of impacts to **persons**, property, and facilities in proximity to each **airport**, located within the areas encompassed by each **AOD**.
- (3) Protect state, federal, and local investment in FWA and SMD and surrounding facilities;
- (4) Impose land **use** controls, which shall be in addition to the existing underlying zoning classifications, to maintain a compatible relationship between **airport** operations and existing and future land **uses** within each **AOD** as defined in §157.411(D)(1);
- (5) Regulate and restrict the height of **structures** and **objects of natural growth**, concentrations of people (density), visual **obstructions** (such as dust, smoke, and steam), electrical navigational interference, noise sensitive land **uses**, and wildlife and bird attractants;
- (6) Implement recommendations developed in the Fort Wayne International **Airport Master Plan** and the Smith Field **Airport Master Plan**;
- (7) Promote compatible land **uses** while respecting the physical characteristics of the area, each **airport**, and surrounding property;
- (8) Regulate and restrict **building** sites, placement of **structures**, and land **uses** by separating conflicting land **uses** and prohibiting certain land **uses** that would be detrimental to **airport** operations, **navigable airspace**; and
- (9) Provide a uniform basis for the implementation and administration of sound **airport** protection regulations for all areas within each **AOD**;

(B) Jurisdiction

The jurisdiction of the **AOD** for each **airport** shall extend over all lands and water within the jurisdictional boundary as defined in §157.411(D)(1) shown in **Figure 1 (Smith Field Airport Overlay Areas map)** and **Figure 2 (Fort Wayne International Airport Overlay Areas map)**, as those boundaries now exist and as they are amended in the future.

(C) Applicability

The **Airport Overlay District** regulations of the **AODs** shall apply to:

- (1) All properties within the two (2) mile **buffer** area around Smith Field **Airport** (Areas 1, 2, 3, and 4);
- (2) To all properties within the six (6) mile area **buffer** around Fort Wayne International **Airport** (Areas 1, 2, 3, 4, and 5); and
- (3) To all properties within the four Area 6 areas in the 10 mile **buffer** area around Fort Wayne International **Airport**.

FORT WAYNE ZONING ORDINANCE

(D) Areas to be Regulated

(1) Airport Overlay Areas

The Fort Wayne International **Airport AOD** and the Smith Field **AOD** have specific **Airport Overlay Areas** (AOAs) within each which correspond to the nature of the aircraft operations at FWA and SMD, respectively. All FWA and SMD AOAs established by this ordinance are shown on **Figure 1 (Smith Field Airport Overlay Areas map)** and **Figure 2 (Fort Wayne International Airport Overlay Areas map)** on file in the office of the **Department of Planning Services** (DPS). No land use shall be allowed nor shall any **building** or **structure** constructed, altered, located, or permitted which creates hazards for aircraft, **airport** operational and **aircraft overflight areas** for FWA and SMD, as well as nearby properties. For the purposes of this ordinance, the areas of Fort Wayne and Allen **County** under the jurisdiction of the **AODs** are hereby divided into the areas below as shown in **Figure 1** and **Figure 2**. The FWA **AOD** includes AOAs 1 through 6. The SMD **AOD** includes AOAs 1 through 4. **Table 1** and **Table 2** provide the general dimensions for the various **FAR Part 77** Surfaces as well as the **Runway Protection Zones (RPZs)** that are used to generate the AOAs.

Four **buffer** areas are used to describe the AOAs. Each **buffer** was generated by overlapping circles measured from each existing and future **runway** end to create essentially oblong areas that are based upon several dimensions of radii. SMD uses a two (2) mile radius **buffer** area to create its AOAs. FWA uses three (3), six (6), and ten (10) mile radius **buffer** areas to create its AOAs.

(a) Area 1 (Inner Safety Area)

The area of all **airport runways**, the area off the end of each **runway** (including the **RPZs**) and the area within each **runway** approach, out to the inner edge of the **Conical Surface**.

(i) Area 1A (**Runway Protection Zone**)

The trapezoidal area located directly off the end of each existing or proposed **runway** that is established by the **FAA**. Additional requirements for **development** within this subset of Area 1 are listed in §157.411(E)(1).

(b) Area 2 (Horizontal Area)

The area outside of Area 1, out to the inner edge of the **Conical Surface**. This area closely reflects the **Horizontal Surface** of the Part 77 Surfaces.

(c) Area 3 (Outer Conical Area)

The area between the outer edge of Area 2 and the three (3) mile **buffer** (for FWA) or the two (2) mile **buffer** (for SMD), not including the Outer Approach Area (Area 4). This area generally includes the **Conical Surface** of the Part 77 Surfaces.

(d) Area 4 (Outer Approach Area)

The area within each **airport** approach, out to the six (6) mile **buffer** (for FWA) or to the two (2) mile **buffer** (for SMD). It begins at the inner edge of the **conical surface** and extends to the respective **buffers**.

FORT WAYNE ZONING ORDINANCE

(e) Area 5 (Extended Conical Area)

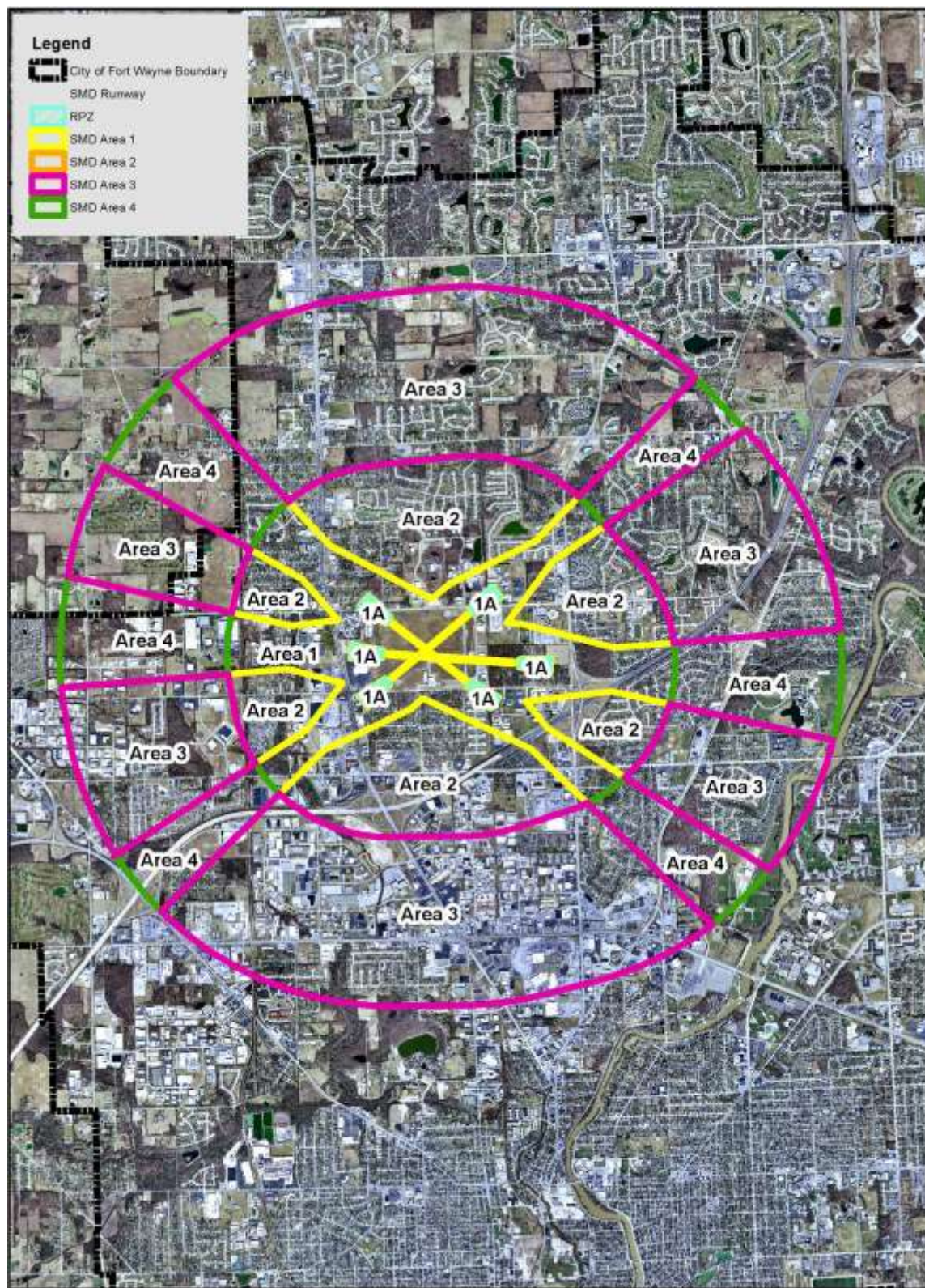
Area 5 applies only to the FWA **AOD**. This area includes the area between the three (3) mile **buffer** and the six (6) mile **buffer**, outside of the Outer Approach Area (Area 4).

(f) Area 6 (Extended Approach Area)

Area 6 applies only to the FWA **AOD**. This area includes the outermost area of the **runway** approaches, out to the ten (10) mile **buffer**, beginning at the six (6) mile **buffer**, based upon the **FAR Part 77 Approach Surfaces**.

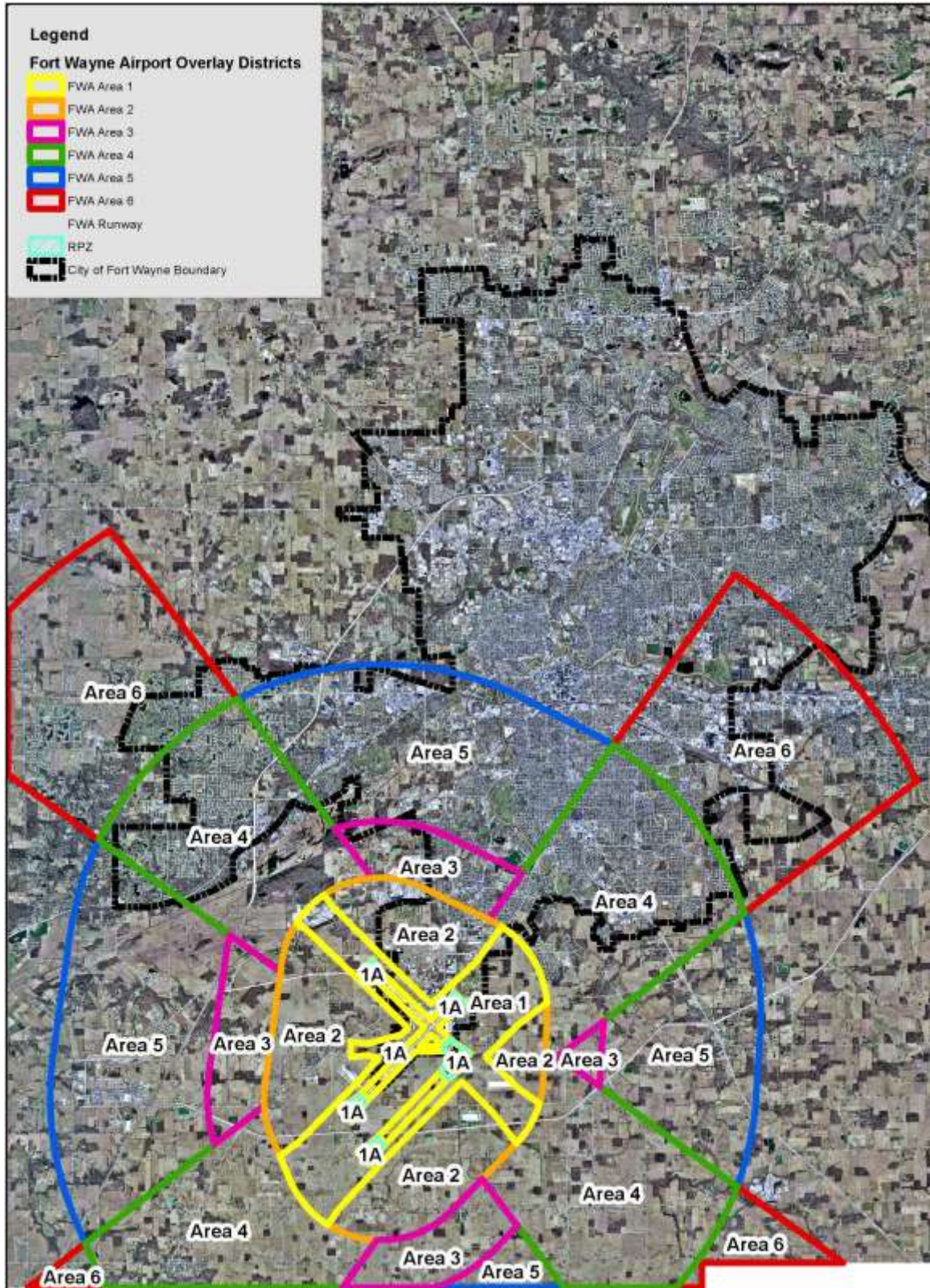
FORT WAYNE ZONING ORDINANCE

Figure 1: Smith Field Airport Overlay Areas



FORT WAYNE ZONING ORDINANCE

Figure 2: Fort Wayne International Airport Overlay Areas



FORT WAYNE ZONING ORDINANCE

(2) Compliance

Any **development** or **use** within the areas regulated by an **AOD** shall be in compliance with the terms of this ordinance, and other applicable local, state and federal regulations.

- (a) Any existing **use** in an **AOD** will be permitted to remain, unless an expansion, reconstruction or change in **use** is requested; at which time, the **use** will be subject to §157.411(E) (General **Development** and Land **Use** Requirements).
- (b) Any future **use** of property in an **AOD** shall comply with §157.411(E) (General **Development** and Land **Use** Requirements).
- (c) Any future **use** or **development** of property included in Table 3 of this section or otherwise not permitted by this ordinance shall be prohibited (even if the **use** is permitted in the existing underlying **zoning district**) unless the proposed **development** is in compliance with the criteria in §157.411(E) (General **Development** and Land **Use** Requirements) or is reviewed through the **Airport** Determination process, and the **Board of Zoning Appeals** approves a **special use** or other approval for the **use** or **development**.

(3) Abrogation and Greater Restrictions

The **AODs** are not intended to repeal, abrogate, annul, impair, or interfere with any existing **easements**, covenants, or deed restrictions. However, wherever an **AOD** imposes greater restrictions, the provisions of the **AOD** shall govern. The establishment of the **AODs** shall not preclude the **Airport Authority** from pursuing additional actions per IC 8-22-3-14, which allows for the provision of free air space for the safe descent and ascent of aircraft and for the proper and safe use of an **airport** or **landing field** acquired or maintained under said chapter.

(4) Warning and Disclaimer of Liability

The degree of protection provided by the **AODs** relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes. This ordinance does not imply that land **uses** within the vicinity of FWA and SMD will be free from aircraft **noise impacts**, aircraft operations, and aircraft overflights. Nor does this ordinance create liability on the part of, or a cause of action against, FWA, SMD, the **City** of Fort Wayne, **Allen County**, or any officer or employee thereof, for incidents that may result from reliance on this ordinance.

(E) General **Development** and Land **Use** Requirements

- (1) If the height of any proposed **buildings** or **structures** exceed 40 feet in Areas 1, 2, and 4, 75 feet in Areas 3, 5, and 6; or if the **building** or **structure** is located in Area 1A, the **building** or **structure** shall require review by **Airport Authority** staff through the **Airport** Determination process; the **building** or **structure** may also require the submittal of an **FAA 7460-1** form and receipt of an Indiana Tall **Structure** Permit, before the issuance of an **Improvement Location Permit**.
- (2) All proposed site lighting fixtures shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.

FORT WAYNE ZONING ORDINANCE

- (3) In Areas 1, 2, 3, and 4, no new pond or similar permanent water body shall be permitted unless a wildlife **mitigation** plan has been approved or determined to be unnecessary by the Fort Wayne **Airport Authority** staff.
 - (4) In Areas 1, 2, 3, and 4, smoke, dust, steam or particulate matter or airborne material of any kind shall be controlled so that it is not detrimental to or does not endanger the visibility of pilots during landing, taking-off or maneuvering of aircraft
 - (5) No **glare** from site activities or **building** materials which could affect the vision of pilots using the **airport** shall be permitted.
 - (6) Exterior **solid waste** disposal facilities shall be contained and covered to minimize sources of food for wildlife.
- (F) Land **Use** Restrictions and Limitations
- (1) Height Limitations

The heights of **buildings, structures and objects**, both man-made and **natural growth**, shall be limited to the height limits set forth in the applicable **zoning district**.
 - (2) Construction, **Development**, and **Use** Limitations and Restrictions
 - (a) Existing **Uses**

All existing land **uses** allowed by the current zoning classifications, within an **Airport Overlay District** shall be permitted to remain, subject to all applicable federal, state, and local requirements. Nothing contained in this ordinance shall require the removal of or any change to the construction, location, or operation of any existing **use**; this includes the construction, alteration, or **use** of property or structural improvements lawfully in existence at the time of the effective date of this ordinance, or which commenced prior to the effective date of this ordinance, and has been completed or is being diligently pursued.
 - (b) Reconstruction

The **owner** of any existing **building, structure, or use** which as a result of fire, **flood**, explosion, or other casualty is destroyed, or is demolished by the **owner**, shall be permitted to rebuild, reconstruct, or repair the same **use** on the same **parcel**, provided that:

 - (i) The requested reconstruction complies with §157.411(E)(General **Development** and Land **Use** Requirements); or
 - (ii) The requested reconstruction has been reviewed and approved through the **Airport** Determination process; however, the request may also be denied by the **Board or Zoning Appeals, Plan Commission, or Zoning Administrator** if determined to be incompatible.
 - (c) Expansion

Any existing **building, structure, or use** may be expanded, altered, or otherwise enlarged provided that:

 - (i) The requested expansion complies with §157.411(E)(General **Development** and Land **Use** Requirements); or
 - (ii) The requested expansion has been reviewed and approved through the **Airport** Determination process; however, the request may also be denied by

FORT WAYNE ZONING ORDINANCE

the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** if determined to be incompatible.

(d) **Change of Use**

Any existing **building, structure, or use** may be changed to a different **use**, provided that:

- (i) The proposed **use** complies with §157.411(E)(General **Development** and Land Use Requirements); or
- (ii) The proposed **use** has been reviewed and approved through the **Airport Determination** process; however, the request may also be denied by the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** if determined to be incompatible.

(e) **New Buildings, Structures, or Land Uses and Exceptions**

Any future new **buildings, structures, and/or uses** within an AOD shall comply with §157.411(E)(General **Development** and Land Use Requirements) and **Table 3 (Airport Overlay District Special Uses)**, except that a **development** which supports the aeronautical **use**, such as an **FAA** communication tower; fuel **storage** facility; **gas station, hotel/motel, museum, solar panels, truck fueling station, educational institution** shall be permitted, provided the **use** complies with the applicable provisions of §157.411(E).

(f) **Hazard Marking and Lighting**

Building approval may, if such action is deemed advisable by the FWA/SMD **Airport Authority** and/or the **FAA**, require the **owner** of a **structure** or trees, to install, operate, and maintain thereon such markers, light, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the **owners** expense.

(g) **Prohibited Buildings, Structures, or Uses**

The following **buildings, structures, and uses** shall be prohibited:

- (i) Any **building or structure** that would exceed the height limits set forth in the applicable **zoning district**, unless the **building or structure** is reviewed by **Airport Authority** staff, and approved by the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as necessary.
- (ii) Any **use** that is not permitted either according to **Table 3 (Airport Overlay District Special Uses)** or is otherwise not a permitted **use**, unless a **Special Use** or other **use** approval is granted by the **Board of Zoning Appeals**.
- (iii) Any **building, structure, or use** which is determined by the **FAA** to create a safety hazard for aircraft operations, through either an **FAA 7460-1 airspace** analysis or another **FAA** review process.

(G) **Development Approval Requirements and Airport Determination Process**

If the property is located in either of the AODs, DPS staff shall hold a pre-application meeting with the applicant and **airport** staff prior to the submission of a request for a new **building, structure, or use**, or for a reconstruction, expansion, or **change of use** as set forth in §157.411(E)(2).

FORT WAYNE ZONING ORDINANCE

- (1) If the request is for a request to reconstruct or expand an existing **use**, the request shall be evaluated for compliance with §157.411(E)(General **Development** and Land **Use** Requirements).
 - (a) If the **use** complies with §157.411(E), the request shall be deemed approved by **Airport Authority** staff.
 - (b) If the use does not comply with §157.411(E), the applicant/**owner** shall meet with **Airport Authority** staff to discuss and address compatibility issues. The **airport** will issue an **Airport** Determination Letter (ADL) with a recommendation of support or denial of the request. The ADL shall be forwarded to the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as applicable for consideration as part of the appropriate decision making process.
- (2) If the request is for a future **use** (i.e. new **development**, or change in existing **use**), **Table 3 (Airport Overlay District Special Uses)** and the other permitted **use** provisions of this ordinance shall be referenced to determine whether the **use** is a permitted **use** based upon its location in one of the **Airport Overlay Areas**.
 - (a) If the **use** is determined to be permitted and complies with §157.411(E), the request may be approved by DPS staff;
 - (b) If the **use** is determined to be a permitted **use** but the request does not comply with §157.411(E), the applicant **owner** shall meet with **Airport Authority** staff to discuss and address compatibility issues. The **airport** will issue an **Airport** Determination Letter (ADL) with a recommendation of support or denial of the request. The ADL shall be forwarded to the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as applicable for consideration as part of the appropriate decision making process.
 - (c) If the **use** is determined to not be a permitted **use**, the proposed **development** shall not be permitted unless a **Special Use** or other approval is granted by the **Board of Zoning Appeals**. If a **Special Use** or other BZA approval request is filed, the property **owner** shall meet with **airport** staff for review and coordination to address compatibility issues prior to the BZA public hearing on the request. The **airport** will issue an ADL that either supports or denies the **development**. The ADL will be forwarded to the BZA for use in making its decision. This process shall apply to all **Contingent Use, Special Use, Use Variance, and height Development Standards** Variance requests to the **Board of Zoning Appeals** for property within an **Airport Overlay area**.
- (3) For all requested **buildings, structures, or uses** that require an **Airport** Determination Letter (ADL), the request shall be evaluated based on the:
 - (a) Likelihood to create a **significant** concentration of people (density and intensity);
 - (b) Likelihood to create visual **obstructions** through the creation of smoke, steam, dust, lighting or other **obstruction(s)** that would adversely affect aircraft operational areas and **airspace**; and specifically the proximity to the ends of **runways, runway** surfaces and extended **runway** centerlines;
 - (c) Likelihood for noise sensitivity; when necessary, **building** construction methods that reduces **airport**-related noises may be recommended or required;

FORT WAYNE ZONING ORDINANCE

- (d) Likelihood to attract wildlife with water bodies; when necessary, methods for designing water bodies to drain within 48 hours, putting water detention underground, landscaping, and other **mitigation** techniques to discourage entry and exit to the water body maybe recommended or required. The **airport** shall have the right to include deed restrictions or restrictive covenants to authorize **airport** to manage/mitigate wildlife issues, which will be at the property **owner's** expense;
- (e) Likelihood to create **wildlife attractants** other than bodies of water;
- (f) Proposed **storage** of flammable or hazardous materials as defined by the International **Building Code**;
- (g) Proximity to **airport** surfaces (**FAR Part 77 Surfaces**, extended **runway** centerline, etc.)

(H) Administration

In addition to the powers and duties in §157.502 (**Zoning Administrator**), the **Zoning Administrator** shall have the following powers and duties in the administration of this Section:

- (1) Approving requests that are permitted **uses** and comply with 157.411(E)General **Development** and Land Use Requirements;
- (2) Inspecting any **building** site or improvement or **use** of land as required by this ordinance;
- (3) Maintaining a record of approvals, denials, **conditions** of approvals, inspections, and public proceedings; and
- (4) After consultation with **Airport Authority** staff, determining what additional information would be necessary to be submitted with a request under this section to allow review staff to conduct an adequate review of a request.

Table 1 - Runway Protection Zone Dimensions for SMD and FWA							
Approach Visibility Minimums ⁽¹⁾	Facilities Expected to Serve	Dimensions				FWA Runways	SMD Runways
		Length L feet (meters)	Inner Width W₁ feet (meters)	Outer Width W₂ feet (meters)	RPZ acres		
Visual and not lower than 1-Mile (1,600m)	Aircraft Approach Categories A & B	1,000 (300)	500 (150)	700 (210)	13.770	09 and 27	05, 23, 13, and 31
Not lower than ¾-mile (1,200m)	All Aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978	14 and 23	
Lower than ¾-mile (1,200 m)	All Aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914	05 and 32	
Notes: (1) The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13A for approach and departure RPZs .							
Source: FAA AC 150/5300-13, Airport Design Standards							

FORT WAYNE ZONING ORDINANCE

Table 2 - FAR Part 77 Dimensions for SMD and FWA					
Dimensions	Item	Dimensional Standards (Feet) for Runway Classifications (see legend below)			
		Visual Runway	Non-Precision Instrument Runway		Precision Instrument Runway*
			A	B	
				D	
A	<i>Primary surface</i> width and <i>approach surface</i> width at inner end	250	500	1,000	1,000
B	<i>Horizontal surface</i> radius	5,000	5,000	10,000	10,000
C	<i>Approach surface</i> end width	1,250	2,000	4,000	16,000
D	<i>Approach surface</i> length	5,000	5,000	10,000	10,000
E	Approach slope	20:1	20:1	34:1	*
F	<i>Conical surface</i> width	4,000	4,000	4,000	4,000
G	<i>Transitional surface slope</i>	7:1	7:1	7:1	4,000
FWA Runways ⁽¹⁾		09 and 27		14 ⁽²⁾ and 23	05 and 32
SMD Runways		05, 23 and 31	13		
Runway Classification Legend A – Utility runway. B – Runway larger than utility. C – Visibility minimums greater than ¾ of a mile. D – Visibility minimums as low as ¾ of a mile. * – Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet.					
Notes: (1) At ordinance adoption, FWA had three runways - Runway 5/23 , Runway 14/32 , and Runway 9/27 ; however FWA's Airport Layout Plan (ALP) shows an ultimate plan to construct a fourth runway – Runway 5R/23L which would have a precision approach on both runway ends. Therefore in order to protect the airspace for precision approaches to both ends of the future runway , the Airport Overlay Areas (specifically Area 4 and Area 6) incorporate the additional area that will become part of the precision approaches for Runway 5R/23L in the future. (2) At ordinance adoption, Runway 14 at FWA had a non-precision approach, however it is a goal of the airport administration to establish a precision approach for this runway in the future; therefore in order to protect the airspace for this anticipated approach, the Airport Overlay Areas (specifically Area 4 and Area 6) incorporate the additional area that will become part of the precision approach for Runway 14 in the future.					
Source: <i>FAR Part 77 Object Affecting Navigable Airspace</i> , FWA Airport 5010 Form, SMD Airport 5010 Form					

FORT WAYNE ZONING ORDINANCE

- (I) In the Areas established within the **Airport Overlay Districts**, in addition to the **Special Uses** set forth in §157.503(D), the following **uses** shall require approval of a **special use** from the **Board of Zoning Appeals**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

TABLE 3 – AIRPORT OVERLAY DISTRICT SPECIAL USES	
Area 1 and Area 2	Area 3
Assisted living facility	Manufactured home park
Arena	Recycling collection point
Batting cages	
Campus housing	Area 4
Country club	Arena
Day care center	Batting cages
Fireworks sales	Fireworks sales
Fuel storage facility	Fuel storage facility
Gas station	Golf course (including driving range)
Golf course (including driving range)	Hospital
Group residential facility	Manufactured home park
Hospital	Propane/bottled gas facility
Hotel	Recreational uses, outdoor
Manufactured home park	Recycling collection point
Motel	Stadium/racetrack
Multiple family complex	Subdivision plat
Multiple family dwelling	Swim club (outdoor)
Museum	Theater (outdoor)
Park/recreation area	Tennis club (outdoor)
Propane/bottled gas facility	
Radio station	Area 5
Recreational uses, outdoor	Manufactured home park
Recycling collection point	
Religious institution	
Residential facility for the developmentally disabled	
Residential facility for the mentally ill	
Retirement facility	
Salvage yard	
Single family dwelling (Area 1 only)	
Solid waste transfer station	
Stadium/racetrack	
Subdivision plat	
Swim club (outdoor)	
Television station	
Tennis club (outdoor)	
Theater (outdoor)	
Truck fueling station	

FORT WAYNE ZONING ORDINANCE

§ 157.412 FLOODPLAIN

(A) General Provisions

(1) Purpose

The purpose of this section is to guide and regulate **development** in the **floodplain** areas under the **planning jurisdiction** of the **City** of Fort Wayne in order to promote the public health, safety, and general welfare. The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land **use** within their jurisdictions. Therefore, Fort Wayne adopted these **floodplain** management regulations for the following purposes:

- (a) Protect human life and health from the hazards of **flooding**;
- (b) Minimize public and private property damage and losses;
- (c) Protect individuals from investing in or purchasing land and **structures** which are unsuited for intended purposes because of **flood** hazards;
- (d) Protect new **buildings** and major improvements to **buildings** from **flood** damage;
- (e) Prevent **development** from increasing **flood** or drainage hazards to others;
- (f) Restrict or prohibit **uses** which are dangerous to health, safety, and property due to water or erosion hazards which result in damaging increases in erosion or in **flood** heights or velocities;
- (g) Minimize the expenditure of public money for **flood** control projects, repair of damage to public facilities and utilities (such as water and gas mains; electric, telephone, and sewer lines; **streets**; and bridges located in **floodplains**), and **flood** rescue and relief operations;
- (h) Maintain property values and a stable tax base by minimizing the potential for creating **flood** blighted areas;
- (i) Minimize prolonged business interruptions;
- (j) Provide for public awareness of **flooding** potential;
- (k) Regulate **floodplain uses** and activities such as **filling**, **storage** of materials, and construction of **structures** and **buildings** which may cause damaging **flood** heights and velocities by obstructing flows and reducing water **storage** capacities;
- (l) Regulate the alteration of natural **floodplains**, **stream** channels, and natural protective barriers which are involved in the accommodation of **flood** waters;
- (m) Regulate grading, dredging, and other **development** which may increase erosion or **flood** damage;
- (n) Regulate the construction of non-public **flood** barriers which will unnaturally divert **flood** waters or which may increase **flood** hazards to other land; and
- (o) Make federally subsidized **flood** insurance available for **structures** in the **floodplain**, and their contents, in Fort Wayne by fulfilling the requirements of the National **Flood** Insurance Program.

FORT WAYNE ZONING ORDINANCE

(2) Applicability

This section shall apply to all **Special Flood Hazard Areas** (SFHAs) and known **flood prone areas** within Fort Wayne's **planning jurisdiction**.

(3) Compliance

No **structure** shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or **stream** within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) Causes of **Flood** Losses

- (a) The **flood** hazard areas of Fort Wayne are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **flood** protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These **flood** losses are caused by the **cumulative effect** of **obstructions** in **floodplains** causing increases in **flood** heights and velocities, and by the occupancy in **flood** hazard areas by **uses** vulnerable to **floods** or hazardous to other lands which are inadequately elevated, **flood**-proofed, or otherwise unprotected from **flood** damages.

(5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing **easements**, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Disclaimer of Liability

- (a) The degree of **flood** protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger **floods** can and will occur on rare occasions. **Flood** heights may be increased by man-made or natural causes, such as ice or debris jams.
- (b) This section does not imply that areas outside the **floodplain** as defined herein, will be free from **flooding** or **flood** damages.
- (c) This section does not create liability on the part of the community, the State of Indiana, the Indiana Department of Natural Resources, the **City** of Fort Wayne, the **Board of Zoning Appeals**, the **Plan Commission** or any elected or appointed official or employee thereof for any **flood** damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(7) Map Discrepancies

In cases where possible map discrepancy issues arise, the following shall control:

- (a) If the map indicates that the property is located within a **floodway** area, the applicant shall apply for a **Letter of Map Change**;
- (b) If the map indicates that the property is located within or partially within a **floodway fringe** area, but the elevation (natural grade) of the site in question is

FORT WAYNE ZONING ORDINANCE

above the **base flood elevation** as certified on a pre-construction elevation certificate, that site shall be considered outside the SFHA and the **floodplain** regulations will not be applied if the proposed construction is at grade (no lower level or basement); if a lower level/basement is proposed, the property **owner** shall apply for and obtain a **Letter of Map Change** prior to the issuance of any permits for the construction;

- (c) If a submitted topographic or topographic/utility survey indicates an area that by elevation would be subject to inundation by the **regulatory flood** which lies outside of the **floodplain** identified on the **Flood Insurance Rate Map**, the information on the survey shall govern and that area shall be considered a **special flood hazard area** subject to the regulations of this section; and

(8) Basis for Establishing Regulatory Data

This section's protection standard is the **regulatory flood**. The best available **regulatory flood** data is listed below. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved. Any reference in this section to the **Flood Insurance Study (FIS)** or **Flood Insurance Rate Map (FIRM)** refers to the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas dated August 3, 2009 and the corresponding **Flood Insurance Rate Map** of Allen County, Indiana and Incorporated areas prepared by the Federal Emergency Management Agency (**FEMA**) and dated August 3, 2009, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. This study and maps are hereby adopted by reference and made a part of this section.

- (a) The **regulatory flood** elevation, **floodway**, and fringe limits for the studied SFHAs within the jurisdiction of Fort Wayne shall be as delineated on the one-percent annual chance **flood** profiles in the FIS and the corresponding **FIRM**.
- (b) The **regulatory flood** elevation for each SFHA within the jurisdiction of Fort Wayne delineated as an "AO Zone" (in fringe) shall be that elevation (or depth) delineated on the **FIRM**.
- (c) The **regulatory flood** elevation, **floodway**, and fringe limits for each of the SFHAs within the jurisdiction of Fort Wayne delineated as an "A Zone" on the **FIRM** shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
- (d) In the absence of identification on a **FIRM** map, the **regulatory flood** elevation, **floodway**, and fringe limits of any watercourse in the community's known **flood prone areas** shall be as determined by the Indiana Department of Natural Resources according to the best data available, provided the upstream drainage area from the subject site is greater than one square mile.

(9) Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 500-year (0.2 percent annual chance) **floodplain**. Construction of new critical facilities shall be permissible within the 500-year **floodplain**, if no feasible

FORT WAYNE ZONING ORDINANCE

alternative site is available. Critical facilities constructed within the 500-year **floodplain** shall have the **lowest floor** elevated to or above the 500-year **flood** elevation at the site or the FPG, whichever is the highest. **Flood** proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into **floodwaters**. Access routes elevated to or above the 500-year **flood** elevation or the FPG, whichever is the highest, shall be provided to all critical facilities to the extent possible.

(B) **Floodway Permitted and Prohibited Uses**

(1) Purpose

- (a) There are areas designated as **floodways** located within the **Special Flood Hazard Areas**. The **floodway** is not to be considered a **zoning district**. One of the purposes of this section is to guide **development** away from **floodway** areas. The **floodway** is an extremely hazardous area due to the velocity of **floodwaters** which carry debris and potential projectiles, and has erosion potential. If the site is in an identified **floodway**, the **Zoning Administrator** shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a **floodway**. Under the provisions of IC 14-28-1 a permit for construction in a **floodway** from the Indiana Department of Natural Resources is required prior to the issuance of a local permit for any excavation, deposit, construction, or **obstruction** activity located in the **floodway**. This includes land preparation activities such as **filling**, grading, clearing and paving undertaken before the actual **start of construction** of the **structure**. However, it does exclude non-substantial **additions/improvements** to existing (lawful) residences in a non-boundary **river floodway**; (IC 14-28-1-26 allows construction of non-substantial **additions/improvements** to residences in a non-boundary **river floodway** without obtaining a permit for construction in the **floodway** from the Indiana Department of Natural Resources). If **fill** is needed to elevate an **addition** above the existing grade, prior approval (construction in a **floodway** permit) for the **fill** is required from the Indiana Department of Natural Resources.

(2) Permitted Uses

The following **uses** shall be permitted, excluding any enclosed **buildings** or **structures**, if the **use** is permitted by the **zoning district** in which the property is located including improvements or enlargements to **nonconforming buildings** and **structures**, or other DNR approved **buildings** and **structures**, as permitted in 157.412(G)(8)(c). Any proposed **use** which requires a permit from the Indiana Department of Natural Resources shall also be subject to the requirements and **conditions** of that review and approval process.

- (a) **Agonomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; bee hives; floriculture; forestry and tree farming; horticulture; and viticulture;
- (b) Forests;
- (c) **Community garden**;
- (d) **Low intensity livestock operation**, on properties of two acres or more in size;
- (e) **Nature preserve**;

FORT WAYNE ZONING ORDINANCE

- (f) **Park or recreation area** (public **county**, municipal, state, or township);
- (g) Transportation facilities located in public rights-of-way, such as roads, **streets**, trails, and bridges;
- (h) Private transportation facilities such as roads, bridges, or **driveways** which are necessary to access private property, and parking **lots** or parking areas;
- (i) Public and quasi-**public utility** collection and/or transmission lines, pipes, cables, and the like;
- (j) Public works projects for **flood** control improvements such as dams, dikes, floodwalls, and levees;
- (k) **Uses** which have been approved by the Indiana Department of Natural Resources;
- (l) **Wetlands**;
- (m) Wildlife areas;
- (n) Projects within the **floodplain** of the Graham McCulloch Ditch, Junk Ditch, and Little River which have received approval by the Indiana Department of Natural Resources, subject to the applicable **building** protection, damage prevention, and **flood** protection standards of this section.

(3) Prohibited Uses

Any encroachments, including **buildings**, **structures**, and **fill**, except for:

- (a) **Buildings**, **structures**, and **fill** approved by the Indiana Department of Natural Resources;
- (b) **Fill** needed for public **flood** control improvement projects, including dikes and levees;
- (c) Public transportation facilities; or
- (d) Utility collection or transmission lines.

(C) **Floodway Fringe** Permitted and Prohibited Uses

(1) Purpose

The purpose of this section is to regulate and minimize **development** in areas subject to potential **flooding** which are outside of an identified **floodway**. The **floodway fringe** is not to be considered a **zoning district**. The **floodway fringe** is that area identified by the Federal Emergency Management Agency on the current Allen **County** and Incorporated Areas **Flood Insurance Study** and **Flood Insurance Rate Maps** as outside of the **floodway**, but subject to inundation by the **regulatory flood**.

(2) Permitted Uses

The following **uses** shall be permitted, if the **use** is permitted by the **zoning district** in which the property is located. Any proposed **use** which requires a permit from the Indiana Department of Natural Resources shall also be subject to the requirements and **conditions** of that review and approval process.

- (a) **Agronomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; bee hives; floriculture; forestry and tree farming; horticulture; and viticulture;

FORT WAYNE ZONING ORDINANCE

- (b) As of the effective date of this chapter, the following amounts of **fill** shall be permitted on a **lot**: on **lots** of over one acre, up to 40 cubic yards shall be permitted; on **lots** between $\frac{3}{4}$ and one acre, up to 30 cubic yards shall be permitted; on **lots** between $\frac{1}{2}$ and $\frac{3}{4}$ acre, up to 20 cubic yards shall be permitted; on **lots** between $\frac{1}{4}$ and $\frac{1}{2}$ acre, up to 10 cubic yards shall be permitted, and on **lots** of up to $\frac{1}{4}$ acre, up to 5 cubic yards shall be permitted, provided that:
 - (i) No **fill** shall be placed within 10 feet of a **side lot line**;
 - (ii) No **fill** shall be placed within 15 feet of a **front or rear lot line**;
 - (iii) No **fill** shall be placed within 50 feet of a **floodway** boundary as shown on the **FIRM** map; and
 - (iv) No **fill** shall be placed in such a way so as to obstruct **flood** water or divert it onto an **adjacent** property (as in the construction of a levee or dike).
 - (c) Forests;
 - (d) **Community garden**;
 - (e) **Low intensity livestock operation**, on properties of two acres or more in size;
 - (f) **Nature preserve**;
 - (g) **Park or recreation area** (public **county**, municipal, state, or township);
 - (h) Transportation facilities located in public rights-of-way, such as roads, **streets**, and bridges;
 - (i) Private transportation facilities such as roads, bridges, or **driveways** which are necessary to access private property, and parking **lots** or parking areas;
 - (j) Public and quasi-**public utility** collection and/or transmission lines, pipes, cables, and the like;
 - (k) Public works projects for **flood** control improvements such as dams, dikes, floodwalls, and levees;
 - (l) **Uses** which have been approved by the Indiana Department of Natural Resources;
 - (m) **Wetlands**;
 - (n) Wildlife areas;
 - (o) All **structures** permitted in the applicable **zoning district**, which meet all applicable requirements of this ordinance, provided the **structure** also meets all applicable damage prevention, **flood** protection, and **building** protection standards of this section; and
 - (p) **Accessory uses** and **structures** permitted in the applicable **zoning district**, which meet all applicable requirements of this ordinance, provided any **accessory structure** also meets all applicable damage prevention, **flood** protection, and **building** protection standards of this section.
- (3) **Prohibited Uses**
- Fill** placed for any purpose other than for: public **flood** control improvement projects (including a dike or levee); public transportation facilities; or utility collection or transmission lines as permitted in § 157.412(C)(2) above; compensatory **storage** as

FORT WAYNE ZONING ORDINANCE

permitted in §157.412(E)(2)(b); or for approved **structures** as permitted above. A request for a non-public **flood** control improvement project, including a dike or levee, or a private request to place over 40 cubic yards of non-compensatory storage **fill** in the **floodway fringe**, shall require approval of a **Special Use** by the **Board of Zoning Appeals**, subject to the applicant verifying that the **fill** as placed can withstand a **regulatory flood flooding** event.

(D) **Building** Protection Standards

In addition to the damage prevention requirements of §157.412(E), all **buildings** to be located in the SFHA shall be protected from **flood** damage below the **flood protection grade**.

(1) Applicability

This **building** protection requirement shall apply to the following situations:

- (a) Construction, reconstruction or placement of a new **primary building** or **structure** greater than 400 square feet;
- (b) Construction or reconstruction of an **addition** to an existing **building**, that constitutes **substantial improvement**;
- (c) Structural alterations and/or **renovations** made to an existing **building**, that constitute **substantial improvement**;
- (d) Construction, reconstruction, or placement of a permitted detached **accessory building or structure** greater than 400 square feet;
- (e) Reconstruction or repairs made to a **building** that experienced **substantial damage**. Any **structure** receiving **substantial damage** must comply with all applicable requirements of this section, regardless of the level of repairs actually made to the **structure**;
- (f) Installing a **manufactured home** on a new site or a replacement **manufactured home** on an existing site. This section does not apply to returning an existing **manufactured home** to the same site it lawfully occupied before it was removed to avoid **flood** damage or installing/replacing a manufactured or **mobile home** on an existing site within a legal nonconforming mobile or **manufactured home park or subdivision**; and
- (g) Installing a **travel** trailer or **recreational vehicle** on a site for more than 180 days.

(2) Protection Methods

The **building** protection standards may be met by one of the following methods. The **Zoning Administrator** shall maintain a record of compliance with these **building** protection standards as required in §157.412(G)(2)(j).

(a) Elevated **Structures**

New construction or **substantial improvements** of elevated **structures** shall have the **lowest floor** at or above the **flood protection grade**. A **structure** or **addition** to a **structure** may be elevated in accordance with the following:

- (i) The **structure** or **addition** shall be elevated on posts, piers, columns, extended **walls**, or other types of similar foundation provided that the **walls** of any enclosure below the elevated floor shall be designed to allow for the entry and exit of **floodwaters** to automatically equalize hydrostatic **flood**

FORT WAYNE ZONING ORDINANCE

forces on exterior **walls**. Designs must provide a minimum of two openings located in a minimum of two exterior **walls** (having a total net area of not less than one square inch for every one square foot of enclosed area). The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of **floodwaters** in both directions;

- (ii) Except for areas that cannot be used as living space (such as a crawl space or similar space beneath a **structure**), elevated **structures** shall not be permitted to have fully enclosed areas below the **flood protection grade**;
- (iii) The foundation and supporting members shall be anchored and aligned in relation to **flood** flows and adjoining **structures** so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris; and
- (iv) All areas below the **flood protection grade** shall be constructed of materials resistant to **flood** damage, including but not limited to poured concrete or treated lumber.
- (v) Electrical, heating, ventilating, plumbing, and air conditioning equipment, utility meters, and other service facilities shall be located at or above the **flood protection grade** or designed so as to prevent water from entering or accumulating within the components below the **flood protection grade**. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the **flood protection grade**.

(b) **Structures on Fill**

A **structure** or **addition** to a **structure** may be constructed on a site within the **floodway fringe** on permanent **fill** in accordance with the applicable provisions of §157.412(E)(2)(b), and the following:

- (i) The **fill** shall be placed in layers no greater than one foot deep before compacting to 95% dry density obtainable according to the Standard Proctor or Modified Proctor test method;
- (ii) The **fill** shall extend at least ten feet beyond the foundation of the **building** or to the property **line**, whichever is less, before sloping below the **flood protection grade**;
- (iii) The **fill** shall be protected against erosion and scour during **flooding** by vegetative cover, riprap, bulkheading, or other acceptable method. If vegetative cover is used, the slopes shall be no steeper than 3 to 1 (horizontal to vertical);
- (iv) The **fill** shall not adversely affect the flow of surface drainage from or onto any **adjacent** properties;
- (v) The top of the **lowest floor** of the **building** or **addition** (including basements) shall be at or above the **flood protection grade**; and

FORT WAYNE ZONING ORDINANCE

- (vi) The applicant shall submit a plan, certified by a registered **Professional Engineer**, showing how the provisions of § 157.412(D)(2)(b)(ii) and §157.412(D)(2)(b)(iv) above will be met prior to the issuance of the **Improvement Location Permit** for the project. The applicant shall submit compaction test results after the **fill** has been placed. Compliance with the remaining applicable items listed under § 157.412(D)(2)(b) above shall be verified as necessary after the **fill** has been placed, prior to the issuance of the **Certificate of Compliance** for the project. If necessary, the **Zoning Administrator** may rely on other appropriate Fort Wayne **City** departments for any required assistance in documenting compliance with the **fill** requirements.

- (c) **Floodproofing**

A non-residential **structure** or **addition(s)** to a non-residential **structure** may be floodproofed to the **flood protection grade** (in lieu of elevating) if done in accordance with the following:

- (i) A registered **professional engineer** or architect shall certify that the portion of the **structure** and attendant utility facilities located below the **flood protection grade** have been designed to be watertight and capable of resisting the effects of the **regulatory flood**; the **building** design shall take into account **flood** velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice; such certification shall be provided to the **Zoning Administrator**; and
- (ii) **Floodproofing** measures shall be operable without human intervention and without an outside source of electricity.

- (d) **Manufactured Homes**

- (i) If the **manufactured home** is to be placed: outside a **manufactured home park or subdivision**; in a **new manufactured home park or subdivision**; in an expansion to an **existing manufactured home park or subdivision**; or in an **existing manufactured home park or subdivision** on which a **manufactured home** has incurred “**substantial damage**” as a result of a **flood**, then the **manufactured home** shall be elevated on a permanent foundation so that the **lowest floor** is at or above the **flood protection grade** and securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (ii) If the **manufactured home** is to be placed on a site in an **existing manufactured home park or subdivision** that has not been substantially damaged by a **flood**, then the **manufactured home** shall be elevated so that the **lowest floor** of the chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include over-the-top or frame ties to ground anchors. This standard shall be

FORT WAYNE ZONING ORDINANCE

in addition to and consistent with applicable state requirements for resisting wind forces.

(e) **Recreational Vehicles**

Recreational vehicles placed on a site shall either:

- (i) Be on the site for less than 180 consecutive days; or
- (ii) Be fully licensed and ready for highway **use** (defined as being on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and having no permanently attached **additions**); or
- (iii) Meet the applicable standards for “**manufactured homes**” in §157.412(D)(2)(d).

(E) **Damage Prevention Standards**

No **development** shall be allowed in the **floodplain** which creates a damaging or potentially damaging increase in **flood** heights or velocity, or a threat to public health and safety.

(1) **Floodway**

Within the **floodway** identified on the **Flood Insurance Rate Map**, the following standards shall apply:

- (a) No **development** shall be allowed in the **floodway** which creates a damaging or potentially damaging increase in **flood** heights or velocity, or a threat to public health and safety.
- (b) For all public projects involving channel modifications or **fill** (including levees) that affect **flood** heights, Fort Wayne shall submit a request to the Federal Emergency Management Agency to revise the **regulatory flood** data and applicable **FIRM** as necessary.

(2) **Floodway Fringe**

Within the **floodway fringe** identified on the **Flood Insurance Rate Map**, the following standards shall apply:

- (a) **Structures** shall be constructed as far from the **floodway** as possible, provided that all applicable **building setback** and separation requirements are maintained, unless it is demonstrated that an alternative location would have less of an impact on the **floodplain** due to a decreased need for **fill** and/or excavation;
- (b) **Fill** “compensatory **storage**” provisions shall be as follows:
 - (i) For **primary buildings** of up to 400 square feet, or **accessory buildings or structures** of up to 400 square feet, no compensatory **storage** shall be required;
 - (ii) For public **flood** control, transportation, utility, or similar public projects, no compensatory **storage** shall be required;
 - (iii) For **primary buildings or accessory buildings or structures** of over 400 square feet, compensatory **storage** shall be required; that is, **fill** material taken from within the **floodplain** shall offset the **fill** needed for an approved **building** project or other permitted **development** so the water **storage** capacity of the **floodplain** is not diminished; excavation of the **fill** shall take

FORT WAYNE ZONING ORDINANCE

place in the same **immediate watershed** in which the **building** site or **development** is located; an excavated area within the **floodplain** shall provide for true **storage of flood** water, and shall not be subject to ponding when not inundated by **flood** water; and the **fill** shall not obstruct a drainage way leading to the **floodplain**; except that for:

- [A] Projects requiring approval of a Development Plan which do not involve **development** within the **easement** of a regulated drain, the **Plan Commission** may adjust any required compensatory **storage**; and
 - [B] Projects involving **development** within the **easement** of a regulated drain, the **County Drainage Board** may adjust any required compensatory **storage**.
- (iv) For **Floodplain Development** Permit requests to place more than 40 cubic yards of **fill** on a non-public property or to otherwise displace over 40 cubic yards of **flood storage**, compensatory **storage** shall be required as outlined in § 157.412(E)(2)(b) above.
 - (c) **Fill** shall be of a material deemed stable enough to remain firm and in place during periods of flooding. Runoff and drainage protection shall be provided as necessary to **adjacent** property owners;
 - (d) For all permitted projects except for public transportation facilities, **public utility** collection or transmission lines, or public **flood** control improvement projects, plans depicting the area to be excavated and **filled** according to § 157.412(E)(2)(b) above shall be submitted by the applicant prior to the issuance of the **Floodplain Development** Permit or **Improvement Location Permit** for the **use, structure, or development**. Once site work is complete, the applicant shall provide to the **Zoning Administrator** a certified survey of the excavation and **fill** locations demonstrating that the **fill** and excavation comply with this section;
 - (e) Detached **accessory structure floodway fringe development** of up to 400 square feet, such as freestanding **access ramps**, bleachers, **carports** (open, with no **walls**), **decks**, dumpsters, **fences**, **gazebos**, hot tubs, **play equipment**, **satellite dishes**, **signs**, above-ground **swimming pools**, in-ground **swimming pools**, and **yard lights** shall be permitted if:
 - (i) Constructed and/or located on the site so as to avoid major damage by **flood** and minimize **obstructions** to the flow of **floodwater**;
 - (ii) Firmly anchored to prevent flotation; and
 - (iii) Do not place more than 40 cubic yards of **fill** on a private property or otherwise displace more than 40 cubic yards of **flood storage** capacity.
- (3) **Public Health**

Within the **floodplain** the following public health and safety standards shall apply to protect the community from nuisances and hazards:

 - (a) No **development** in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the **flood protection grade**, unless such materials are stored

FORT WAYNE ZONING ORDINANCE

in a floodproofed **storage** tank or **building** constructed according to the requirements of §157.412(D)(2) of this section;

- (b) New and replacement sanitary sewer lines may be permitted providing all manholes or other above ground openings are located above the **flood protection grade**, or those which are located below the **flood protection grade** are watertight;
- (c) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during **flooding**;
- (d) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of **flood** waters into the system;
- (e) Outside **storage** of materials and equipment shall be permitted if not subject to major damage by **flood** and firmly anchored to prevent flotation (if applicable); or readily portable to another location outside the **floodplain** in the event of a **flood**. All proposed above-ground **storage** tanks must either be elevated above the **flood protection grade**, or floodproofed to the **flood protection grade**. All **storage** tanks must also be firmly anchored to prevent flotation.

(F) Development Plan and **Subdivision** Standards

(1) General Standards

As part of the review of a Development Plan, **subdivision plat**, or Site Plan review the **Planning staff** shall review the proposed project to determine whether any part of the proposed **development** lies within a **special flood hazard area**. The **Planning staff** may route the proposed plans to other appropriate Fort Wayne **City** departments to assist in this review. If the project is located in a **Zone A**, the **developer** shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. If the site contains areas within a **special flood hazard area**, those portions within a **special flood hazard area** will be subject to the permitted **use** and other applicable requirements of this section. Any proposed **subdivision** shall comply with the requirements of §157.303 (**Subdivision** Control). The following shall also apply to all proposed **subdivision plats**, Development Plans, and Site Plan review projects:

- (a) The design and layout of all proposals shall be consistent with the need to minimize **flood** damage;
- (b) All proposals shall provide adequate drainage to reduce exposure to **flood** hazards;
- (c) **Base flood elevation** data shall be provided for all proposals (including **manufactured home parks**);
- (d) No **structures** or **fill** shall be located or placed within the **floodway**, except for **fill** as permitted in §157.412(E)(1)(b); and
- (e) All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize **flood** damage.

(2) **Flood** Elevations

Developers shall show the **regulatory flood** elevation and any applicable **flood protection grades** on all secondary Development Plans, **subdivision plats**, and Site Plan routings containing land identified as lying within the **floodplain** prior to submitting the

FORT WAYNE ZONING ORDINANCE

plans or **plats** for approval by the **Plan Commission, Plat Committee, or Planning staff.**

(3) **Manufactured Housing Developments**

All **owners** of existing **manufactured home parks** or **manufactured home subdivisions** located within a **floodplain** identified as **Zone A** on the **Flood Insurance Rate Map** shall develop an evacuation plan for those **lots** which are located in **Zone A**. The plan shall be approved by the Allen **County** Office of Emergency Management or successor agency.

(G) **Administration**

(1) **Administration Official**

The **Zoning Administrator** shall ensure compliance with all provisions of this section. In doing so, in addition to the duties in § 157.502(A), the **Zoning Administrator** or designated staff shall perform the duties listed below.

(2) **Duties**

- (a) Review all permits for **development** in the **floodplain** to assure that the requirements of this section have been satisfied;
- (b) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all **development** projects subject to State review and approval;
- (c) Ensure that all necessary federal or State permits have been received prior to issuance of the applicable local **Floodplain Development Permit** or **Improvement Location Permit**;
- (d) Obtain an elevation certificate showing the “as built” elevation (in relation to mean sea level) of the **lowest floor** of all new or substantially improved **buildings** or **structures** in the **floodplain**; or
- (e) Obtain, for all **non-residential buildings** or **structures** that have been floodproofed (whether or not such **building** or **structure** includes a basement), the elevation (in relation to mean sea level) to which the **building** or **structure** was floodproofed;
- (f) Review certified plans and specifications for compliance;
- (g) Inspect and inventory damaged **buildings** or **structures** in the SFHAs and complete **substantial damage** determinations;
- (h) Enforce all Letters of Map Revision (**LOMR**) or Physical Map Revisions (PMR) issued by **FEMA** for the currently effective SFHA maps of the community;
- (i) Provide information and assistance to citizens upon request about permit procedures and **floodplain** construction techniques;
- (j) Maintain for public inspection and furnish upon request the following information: **regulatory flood** data, **FIRM** maps, **Letters of Map Amendment (LOMA)**, **Letters of Map Revision (LOMR)**, local permit documents, damaged **structure** inventories, **substantial damage** determinations, copies of DNR permits and **Floodplain** Analysis and Regulatory Assessments, federal permit documents, and

FORT WAYNE ZONING ORDINANCE

“as built” elevations and **floodproofing** data for all **buildings** or **structures** constructed subject to this section;

- (k) Notify **adjacent** communities and the State **Floodplain** Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to **FEMA**; and
- (l) Maintain and track permit records involving **additions** and improvements to residences located in the **floodway**.

(3) **Floodplain Development** Permit

Any permitted activity falling under the definition of **development** herein, including but not limited to excavating, **filling**, grading, channel work, or similar activities which does not require an **Improvement Location Permit** shall require a **Floodplain Development** Permit. The **Floodplain Development** Permit shall not be less restrictive than the permit for construction in a **floodway** issued by the Indiana Department of Natural Resources. However, any more restrictive standards in this section shall take precedence. For all projects involving channel modifications or **fill** (including dikes or levees) the **City** of Fort Wayne shall submit the modification or **fill** data and request that the **Federal Emergency Management Agency** revise the **regulatory flood** data. All **Floodplain Development** Permits shall be valid for up to 90 days.

(4) **Floodplain Development** Permit Procedures

- (a) Determination of Project Location
 - (i) If the site is located within an identified **floodway**, the **Zoning Administrator** shall inform the applicant that the permit cannot be issued, unless the request is for a **use** or **development** permitted under §157.412(B)(2). In that instance, prior to the issuance of the **Floodplain Development** Permit, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1.
 - (ii) If the site is located in an identified **floodway fringe**, the **Zoning Administrator** may issue a **Floodplain Development** Permit provided there is compliance with the applicable provisions of this section.
 - (iii) If the site is in an identified **floodplain** where the limits of the **floodway** and **floodway fringe** have not yet been determined (shown as **Zone A** on the **Flood Insurance Rate Map**), the **Zoning Administrator** shall require the applicant to forward plans and specifications to the Department of Natural Resources, requesting a review and **Floodplain** Analysis and Regulatory Assessment.
 - [A] If the review indicates the site is in the **floodway**, the **Zoning Administrator** shall not issue a **Floodplain Development** Permit, unless the request is for a **use** or **development** permitted under §157.412(B)(2). In that instance, prior to the issuance of the **Floodplain Development** Permit, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1.

FORT WAYNE ZONING ORDINANCE

- [B] If the review indicates the site is in the **floodway fringe**, the **Floodplain Development** Permit may be issued provided there is compliance with the applicable provisions of this section.
- [C] If the review indicates the upstream drainage area is less than one square mile, an engineering analysis showing the limits of the **floodplain** and the **regulatory flood** elevation for the site shall be completed by the applicant and submitted to the **Zoning Administrator**. A determination shall then be made by the **Zoning Administrator** with assistance if needed by other appropriate Fort Wayne **City** departments, or the Allen **County** Surveyor's office, as to whether the site is in the **floodway** or **floodway fringe**. No permit shall be issued by the **Zoning Administrator** if the site is within the **floodway**, unless the request is for a **use** or **development** permitted under § 157.412(B)(2). In that instance, prior to the issuance of the **Floodplain Development** Permit, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1. If the site is in the **floodway fringe**, the **Floodplain Development** Permit may be issued provided there is compliance with the applicable provisions of this section.

(b) Application

Application for a **Floodplain Development** Permit shall be made to the **Zoning Administrator** prior to the commencement of any **development** activities. For **fill** of up to 40 cubic yards, the applicant shall submit a Site Plan showing the location of the proposed **fill**, information showing the volume of the proposed **fill**, and a description of the purpose of the **fill** project. For projects involving **fill** of over 40 cubic yards, the application supporting information shall generally show the location, dimensions, and elevations of the **development site**; existing topography; existing or proposed **structures**; proposed grading/elevations for the **development**; proposed **fill** locations; **storage** of materials; and drainage facilities. The following information is required for projects involving **fill** of over 40 cubic yards:

- (i) A legal description of the site;
- (ii) A description of the proposed **development**, including the purpose of the **fill**;
- (iii) A Site Plan showing existing and proposed **development** locations and existing and proposed land grades, and sufficient to accurately locate the **development** and **structures** in relation to existing roads and **streams**; existing and proposed **structures/additions**, parking **lots**, ponds, and other **development**, including **structure setbacks**;
- (iv) The applicable **Flood Insurance Rate Map (FIRM)** panel number, showing the scaled boundary of the **Special Flood Hazard Area (SFHA)**, specifying **floodway** and **floodway fringe**, as shown on the **FIRM**;
- (v) The **base flood elevation (BFE)** per the **Flood Insurance Study**, in NAVD datum to an elevation of one-tenth of a foot; and

FORT WAYNE ZONING ORDINANCE

- (vi) A description of the extent to which any watercourse will be altered or relocated as a result of proposed **development**.

- (c) Post Construction Survey

For projects involving up to 40 cubic yards of **fill**, the applicant shall submit written documentation that the project was completed as proposed. For projects involving over 40 cubic yards of **fill**, the applicant shall submit a post-construction as-built survey showing the location and amounts of **fill** placed.

- (5) **Improvement Location Permit**

No construction or **development** which requires an **Improvement Location Permit** according to the terms of this section shall commence within a **floodplain** prior to the issuance of an **Improvement Location Permit** from the **Zoning Administrator**. The **Zoning Administrator** shall not issue an **Improvement Location Permit** if the proposed **use**, **structure**, site work, or **development** does not meet the applicable requirements of this section.

- (6) **Improvement Location Permit Procedures**

Upon receipt of an application for an **Improvement Location Permit**, the **Zoning Administrator** shall determine if the site is located within an identified **floodway**, **floodway fringe**, or within the **floodplain** where the limits of the **floodway** have not yet been determined. If necessary, the **Zoning Administrator** may route the application to other appropriate Fort Wayne **City** departments for assistance in this determination. For all projects involving channel modifications or **fill** (including levees) the **City** of Fort Wayne shall submit the data and request that the Federal Emergency Management **Agency** revise the **regulatory flood** data.

- (a) If the site is located within an identified **floodway**, the **Zoning Administrator** shall inform the applicant that the permit cannot be issued, unless the request is for a **use** or **development** permitted under §157.412(B)(2). In that instance, prior to the issuance of the **Improvement Location Permit**, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1.
- (b) If the site is located in an identified **floodway fringe**, the **Zoning Administrator** may issue an **Improvement Location Permit** provided there is compliance with the applicable provisions of this section.
- (c) If the site is in an identified **floodplain** where the limits of the **floodway** and **floodway fringe** have not yet been determined (shown as **Zone A** on the **Flood Insurance Rate Map**), the **Zoning Administrator** shall require the applicant to forward plans and specifications to the Department of Natural Resources, requesting a review and **Floodplain** Analysis and Regulatory Assessment.
 - (i) If the review indicates the site is in the **floodway**, the **Zoning Administrator** shall not issue an **Improvement Location Permit**, unless the request is for a **use** or **development** permitted under §157.412(B)(2). In that instance, prior to the issuance of the **Improvement Location Permit**, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1.

FORT WAYNE ZONING ORDINANCE

- (ii) If the review indicates the site is in the **floodway fringe**, the **Improvement Location Permit** may be issued provided there is compliance with the applicable provisions of this section.
- (iii) If the review indicates the upstream drainage area is less than one square mile, an engineering analysis showing the limits of the **floodplain** and the **regulatory flood** elevation for the site shall be completed by the applicant and submitted to the **Zoning Administrator**. A determination shall then be made by the **Zoning Administrator** with assistance if needed by other appropriate Fort Wayne **City** departments, or the Allen **County** Surveyor's office, as to whether the site is in the **floodway or floodway fringe**. No permit shall be issued by the **Zoning Administrator** if the site is within the **floodway**, unless the request is for a **use** or **development** permitted under §157.412(B)(2). In that instance, prior to the issuance of the **Improvement Location Permit**, the applicant shall furnish a copy of any applicable Indiana Department of Natural Resources construction permit required by IC 14-28-1. If the site is in the **floodway fringe**, the **Improvement Location Permit** may be issued provided there is compliance with the applicable provisions of this section.
- (d) The application for an **Improvement Location Permit** shall be accompanied by the following:
 - (i) A plan showing the location of existing and proposed **structures**, and existing and proposed land grades on the site;
 - (ii) The proposed elevation of the top of the **lowest floor** (including basement) of all proposed **development**. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD). In either case, the conversion formula should be included;
 - (iii) The elevation (in NGVD or NAVD) to which any **non-residential building** will be floodproofed;
 - (iv) A plan showing the location of existing and proposed **structures** in relation to any **stream**, drain, ditch, or waterway; and
 - (v) Any additional information which may be necessary to determine the disposition of a proposed **development** or **structure** with respect to the requirements of this section.
- (e) Prior to the issuance of a requested **Improvement Location Permit** for any **building** or **structure** in the **floodplain**, the applicant shall submit a pre-construction Elevation Certificate.
- (f) After the **Zoning Administrator** has determined that a requested **Improvement Location Permit** can be issued for any **building** or **structure** in the **floodway fringe**, the permit shall be issued for the construction. Upon placement of the **lowest floor**, or **floodproofing**, it shall be the duty of the permit holder to submit to the **Zoning Administrator** a post-construction Elevation Certificate, or other certification of the NAVD or NGVD elevation of the **lowest floor** certified by a registered **land surveyor** or **professional engineer**. When **floodproofing** is utilized for a **building** or **structure**, the floodproofed elevation shall be certified by a **professional engineer** or architect. Any work undertaken prior to submission

FORT WAYNE ZONING ORDINANCE

of the certification shall be at the permit holders' risk. The **Zoning Administrator** shall review the submitted **lowest floor** and **floodproofing** elevation survey data. The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(7) **Certificate of Compliance**

No **Certificate of Compliance** shall be issued by the **Zoning Administrator** unless it has been confirmed the **building** or **structure** has been built in compliance with the terms of this section. The **Zoning Administrator** may require the applicant to submit any information which may be needed to confirm compliance.

(8) **Nonconforming Buildings and Structures**

- (a) Any **building** or **structure** existing as of September 28, 1990 that does not conform to this section shall be considered a **nonconforming building or structure**.
- (b) Any **nonconforming building** or **structure** which is not in the **floodway** may be enlarged or improved at the existing grade and floor elevations, provided the **addition** or improvement does not constitute **substantial improvement**. Completion of the **addition** or improvement must be completed within 24 months from the date of the permit.
- (c) Any **nonconforming building** or **structure** in the **floodway** may be enlarged or improved at the existing grade and floor elevations, provided the **addition** or improvement does not constitute **substantial improvement**, and the **addition** or improvement has been granted a permit from the Indiana Department of Natural Resources. Only one permit for an **addition** or improvement per **building** or **structure** is authorized by this ordinance. Completion of the **addition** or improvement must be completed within 24 months from the date of the permit.
- (d) Any **nonconforming building** or **structure** may be repaired after a damage event, provided the repair does not constitute **substantial improvement**. For any proposed repair which constitutes **substantial improvement**, the **addition** or improvement shall conform to the applicable **building** protection standards in §157.412(D).

(H) **Variances**

(1) **Justification**

In addition to the standards in §157.503(E) and §157.503(F), the **Board of Zoning Appeals** may issue a variance from the provisions of this section provided the applicant demonstrates and the **Board** determines that:

- (a) There exists a sufficient cause for the requested variance;
- (b) The strict application of the terms of this section will constitute an exceptional hardship to the property; and
- (c) The granting of the requested variance will not be injurious to the public health, safety, and welfare, in that the approval will not result in increased **flood** heights,

FORT WAYNE ZONING ORDINANCE

additional threats to public safety, or extraordinary public expense; or create nuisances, cause fraud or victimization of the public.

(2) Additional Considerations

The **Board** may also consider the following as part of its review of a variance request:

- (a) The danger to life and property due to flooding or erosion damage;
- (b) The susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual **owner**;
- (c) The necessity to the facility of a waterfront location, where applicable;
- (d) The availability of alternative locations for the proposed **use** which are not subject to flooding or erosion damage;
- (e) The safety of access to the property in times of **flood** for ordinary and emergency vehicles; and
- (f) The expected height, velocity, duration, rate of rise, and sediment of transport of the **floodwaters** at the site.

(3) Conditions

The **Board of Zoning Appeals** may issue a variance from the provisions of this section subject to the following standards and **conditions**:

- (a) All variance requests shall be subject to a public hearing, with notice provided as required in IC 5-3-1;
- (b) No variance shall be granted for a **use** or **structure** in the **floodway** unless the proposed **use** or **structure** has been approved by the Indiana Department of Natural Resources (if necessary), and the applicant can submit evidence showing that the proposed **use** or **structure** will not result in an increased **flood** elevation or an increase in potential **flood** damages;
- (c) Variances from the **Building** Protection Standards of §157.412(D) should only be granted for a new **building** or **structure** when it is to be located on a **lot** of one-half acre or less in size, contiguous to and surrounded by **lots** with existing **structures** constructed below the **flood protection grade**; in the case of a request for an elevation **waiver** for a detached **accessory structure**, when it meets the following additional requirements:
 - (i) The **building** or **structure** shall be designed with an unfinished interior and constructed of **flood resistant materials**;
 - (ii) Any proposed utilities shall be located above the **base flood elevation**, or shall be floodproofed;
 - (iii) The **building** or **structure** shall be less than 500 square feet in size and used only for personal **storage**; and
 - (iv) The **building** or **structure** shall meet the 44 CFR §60.3(C)(5) openings requirement.
- (d) Variances may be issued for the repair or **rehabilitation** of an **historic structure** upon a determination that the proposed repair or **rehabilitation** will not preclude the **structure**'s continued designation as an **historic structure** and the variance is

FORT WAYNE ZONING ORDINANCE

the minimum to preserve the historic character and design of the **structure**.
Variances may be granted for the reconstruction or **restoration** of any **structure** individually listed on the National Register of Historic Places or the Indiana State Register of **Historic Sites** and **Structures**.

- (e) All variances shall not affect the **use** and value of the area **adjacent** to the property in a substantially adverse manner, by giving the minimum relief necessary and giving the maximum practical **flood** protection to the proposed construction; and
- (f) The **Board** shall require in each case a written **waiver** of liability from any **flood** damage due to a **flood** larger than the **regulatory flood**, on a form approved by the **Board**, from the **owners**, or **developers** if the **developers** are different from the **owners**. The **Board** shall also issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased **flood** insurance premiums, up to amounts as high as \$25 for \$100 of insurance coverage. This notice shall be recorded by the applicant in the Allen **County Recorder's** office.
- (g) As part of the consideration of any **floodplain** variance request, the BZA staff may route the request to the Indiana Department of Natural Resources for review and comment.

FORT WAYNE ZONING ORDINANCE

§ 157.413 HISTORIC PRESERVATION

The Fort Wayne Historic Preservation **Commission** is empowered through IC 36-7-11 to preserve and protect historically or architecturally worthy **buildings**, **structures**, sites, and **districts** which serve as visible reminders of the historic heritage of the **City**. The **Commission** has jurisdiction over all **buildings**, sites, **structures**, and **districts** designated as local **historic districts** and reviews proposed exterior changes to those properties to ensure that the character-defining historic features remain intact. The HPC also reviews nominations for local historic designation as well as National Register nominations. The **Commission**'s goals and objectives are advanced by enforcing the provisions of the Fort Wayne Historic Preservation and Protection Ordinance (Chapter 151 of **City** Code) and the Preserve-it Allen strategy.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

ADMINISTRATION

§ 157.501 PURPOSE

The purpose of this section is to:

- (A) Provide for the administration and enforcement of the provisions of this ordinance;
- (B) Set forth general standards, procedures, and requirements for the review, consideration, and issuance of **Improvement Location Permits** and **Certificates of Compliance**; and
- (C) Establish standards, procedures, and requirements for **violations** and penalties.

§ 157.502 PLANNING AND ZONING BODIES

(A) Zoning Administrator

(1) Authorization

The Common Council has authorized the creation of a **Zoning Administrator** for the administration and enforcement of this ordinance. All references in this ordinance to the **Zoning Administrator** shall include any DPS or zoning enforcement officers designated by the **Zoning Administrator**.

(2) Powers and Duties

The **Zoning Administrator** shall be responsible for:

- (a) Making all determinations, interpretations, and decisions necessary to carry out the provisions and requirements of this ordinance, or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (b) Determining if a **violation** of this ordinance exists, and how the provisions and requirements of this ordinance shall be applied and enforced (in conjunction with the Department of Neighborhood Code Enforcement); and
- (c) Issuing or causing to be issued all Site Plan Review decisions, **Improvement Location Permits**, **Certificates of Compliance**, and **Certificates of Use** required under this ordinance.

(3) Exceptions

The following exceptions shall apply in the situations noted below.

- (a) In cases where this ordinance requires a public hearing to be held on a **Plan Commission** Development Plan application, the **Plan Commission** hereby establishes that the project may be reviewed and acted on by a committee of the **Commission** without a public hearing if the **Zoning Administrator** determines that the proposed project does not warrant a public hearing due to: substantial conformance with a previously approved primary Development Plan, or lack of impact on **adjacent** properties.
- (b) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive said review process upon a determination that the scope or impact of the project does not warrant a technical review by external review entities.

FORT WAYNE ZONING ORDINANCE

- (c) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive a required submittal, including but not limited to the required **building** plans or boundary/topographic/utility surveys, upon a finding that the proposed submittal is not applicable to or necessary for the proposed project.
- (4) Appeals

All determinations, interpretations, and decisions of the **Zoning Administrator** may be appealed to the **Board of Zoning Appeals**, in accordance with the **Board's** rules.
- (B) Executive Director
 - (1) Authorization

The Governing **Board** has authorized the creation of an Executive Director of the **Department of Planning Services** for the administration of that department.
 - (2) Powers and Duties

The Executive Director shall have the following powers and duties:

 - (a) To direct the activities of the **Department of Planning Services**;
 - (b) To be authorized and empowered to do and perform those acts required for the administration of this ordinance or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
 - (c) To perform those acts authorized by adopted inter-local agreement.
- (C) Hearing Officer
 - (1) Authorization

This ordinance hereby authorizes the creation of a Hearing Officer for the type of cases and in accordance with the procedures outlined in IC 36-7-4-923 and IC 36-7-4-924, and as set forth in the **Commission's** rules.
 - (2) Appointment

The Hearing Officer shall be appointed at the first annual meeting of the **Commission** and shall serve in that capacity for the succeeding year. The **Commission** may also appoint one or more alternates to serve in that capacity in the event the Hearing Officer is unavailable or unable to so act. The Hearing Officer and alternates so appointed shall serve at the pleasure of the **Commission** and may be removed or replaced by the **Commission** at any time.
 - (3) Powers and Duties

The Hearing Officer shall have the same powers and duties as the **Board of Zoning Appeals** to approve or deny applications through the alternate procedure allowed under IC 36-7-4-923, except as may be limited by the **Commission's** rules.
 - (4) Procedure

The **Commission** shall:

 - (a) Establish the circumstances in which it would be appropriate for the Hearing Officer to transfer proceedings to the **Board**; and

FORT WAYNE ZONING ORDINANCE

- (b) Designate requirements for the conduct of proceedings before the Hearing Officer filed under the alternate procedure including, but not limited to, the creation and filing of minutes and records, regulation of conflicts of interest and communication with the Hearing Officer and appeals to the **Board** of decisions by the Hearing Officer.

(D) **Board of Zoning Appeals**

(1) Authorization

The Fort Wayne **Board of Zoning Appeals** has been established pursuant to IC 36-7-4-901(a), and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 900 series (**Board of Zoning Appeals**). Any appeal filed under this section shall also be subject to all applicable procedures and limitations the **Board** may establish by rule.

(2) Powers and Duties

The **Board** shall approve or deny all of the following types of applications (in all cases the **Board** may impose reasonable **conditions** as a part of its approval):

- (a) **Contingent uses**, pursuant to IC 36-7-4-918.2 and §157.503(C).
- (b) **Special uses**, pursuant to IC 36-7-4-918.2 and §157.503(D).
- (c) Variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5 and §157.503(E).
- (d) **Use** variances pursuant to IC 36-7-4-918.4 and §157.503(F).
- (e) Appeals of:
 - (i) Any, decision, interpretation, or determination made by a Hearing Officer, **Zoning Administrator**, or DPS staff member under this ordinance; and
 - (ii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, in relation to the enforcement of this ordinance; and
 - (iii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, relative to the enforcement of **Improvement Location Permits** or Certificates of Compliance.
- (f) Other requests related to this ordinance as provided for in the **Board's** rules.

(E) **Plan Commission**

(1) Authorization

The **Plan Commission** has been established pursuant to IC 36-7-4-202, and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 200 series (**Plan Commission**) and in IC 36-7-4. In addition, the **Plan Commission** is established by Indiana Code as the administrative authority for the **subdivision** of land within the **planning jurisdiction** of the **City**. Under the authority granted by state law, the **Commission** may establish an Executive Committee empowered to act on its behalf on such matters as may be assigned to it by the **Commission**. The **Commission** may establish a **Plat Committee** to approve **plats** on its behalf.

FORT WAYNE ZONING ORDINANCE

(2) Purpose

The **Plan Commission** has been established to carry out the purposes set forth for advisory **Plan Commissions** in IC 36-7-4-201.

(3) Membership

The membership of the **Commission** and qualifications for citizens to be appointed to the **commission** are described in IC 36-7-4-207(a) and IC 36-7-4-216, and the adopted rules of the **Commission**.

(4) Powers and Duties

The **Commission** shall have the powers and duties as set forth in the 200 series (**Plan Commission**), the 300 series (Organization of **Commission**), and the 400 Series (**Commission Duties and Powers**), including but not limited to:

- (a) Make recommendations to the Fort Wayne Common Council on amendments to this ordinance and the **Comprehensive Plan**;
- (b) Take action on all applications for approval of Primary or Secondary Development Plans or **Subdivisions** that are required to be submitted under this ordinance, provided, that in the event an application requires approval of a primary Development Plan or Primary **Major Subdivision**, and also approval of a **special use, contingent use, use** variance, or variance of dimensional standard, the **Commission** may authorize a combined hearing procedure pursuant to IC 36-7-4-403.5;
- (c) Take action on all applications for primary and **secondary approval** of **Minor** and **Major Subdivisions**, pursuant to the 700 series (**Subdivision Control**), and §157.303;
- (d) Be authorized and empowered to adopt any rules or regulations allowed or required under IC 36-7-4 or such other rules or regulations as the **Commission** may deem necessary or advisable for the effective administration of its duties under state law or this ordinance;
- (e) The **Commission** may adopt written policies and/or rules:
 - (i) For the **development** of public ways, public places, public **structures**, and public and private utilities;
 - (ii) As necessary to carry out the intent of this ordinance.
- (f) The **Commission** has adopted an **Administrative Manual** and shall update it as needed to implement this Chapter.

FORT WAYNE ZONING ORDINANCE

§ 157.503 PROCEDURES

(A) General

(1) Board of Zoning Appeals

The procedures of the **Board** shall be governed by provisions of the IC 36-7-4 -900 Series (**Board of Zoning Appeals**), the provisions of this §157.503(1), and the **Board's** rules. The **Board** shall adopt rules concerning the filing of appeals, the giving of notice, and the conduct of its hearings and operations as necessary to carry out its duties. Any application or appeal filed to go before the **Board** shall be subject to all applicable **Board** procedures and limitations. Certain **Board** procedures may apply to the Hearing Officer as well.

(a) Pre-Application Discussion

Prior to the submission of an application for a **contingent use, special use, use variance, or variance of development standards**, a pre-application discussion between the DPS staff and the applicant is recommended. The purpose of the pre-application discussion is to:

- (i) Acquaint the applicant with the standards, procedures, and requirements of this ordinance, the **comprehensive plan**, and any other applicable requirements;
- (ii) Review the **Board's** procedures, application, and submittal requirements; and
- (iii) Make the applicant familiar with potential issues or concerns regarding the proposed application.

(b) Submission Requirements

The applicant for an application or appeal to the **Board** shall submit an application form and supporting information as established by the **Board's** rules. DPS staff shall only place an application on the **Board's** next available public hearing agenda after all submittal requirements have been received. A determination made by the DPS staff with regard to the completeness of information required for an application or appeal may be appealed to the **Board** in accordance with the **Board's** rules.

(c) Public Hearing

The **Board** shall hold a public hearing on any appeal or application, in accordance with the **Board's** established public hearing calendar and rules. Any application or appeal filed under this section shall be subject to all applicable procedures and limitations the **Board** may establish by rule.

(d) Appeals

The **Board** may reverse, affirm, or modify the appealed decision, interpretation, or determination. For this purpose, the **Board** has all the powers of the official, officer, board or body from which the appeal is taken. The **Board** may also defer action on the appeal if it needs more information or time to make a decision.

FORT WAYNE ZONING ORDINANCE

(e) Decision and Additional Provisions

(i) Decision

Following the public hearing on an application, the **Board** shall approve or deny the application. The **Board** shall make a decision on any matter that it is required to hear either at the meeting at which the matter is first presented, or at the conclusion of the hearing on the matter, if it is continued. See IC 36-7-4-919(e). The following standards and requirements shall also apply to the **Board**'s decision on an appeal or application.

(ii) **Conditions**

The **Board** may impose reasonable **conditions** as a part of its action on an application or appeal. The **Board** may also permit or require a **commitment** as set forth in IC 36-7-4-1015 and §157.503(A)(5).

(iii) Findings

The **Board** shall enter written findings, setting forth the reasons for its action on an application or appeal.

(iv) Notice

Notice of the **Board**'s decision on an application or appeal shall be provided as established by the **Board**'s rules.

(v) Appeal

A decision of the **Board** may be reviewed as allowed by the Advisory Planning law in Indiana Code.

(vi) Reconsideration

In the event the **Board** or Hearing Officer denies a requested application or appeal, the **Board** shall not rehear and reconsider a repeated application for a period of one (1) year following the date of the **Board**'s denial. Any **person** submitting a repeated application requesting reconsideration or rehearing of a previous denial after one (1) year shall also submit documentation indicating how the repeated application is substantially changed from the previous application that was denied. The repeated application shall be reviewed by the **Zoning Administrator**, who shall determine whether the request is a **substantial change** that can be placed on the **Board**'s agenda for review. The **zoning administrator**'s decision that the repeated application is not a **substantial change** may be appealed to the **Board** in accordance with the **Board**'s rules.

(vii) Revocation

The **Board** may revoke a **contingent use, special use, use variance** or variance from **development** standards if the applicant, landowner and/or occupant violates a condition of approval or **commitment** imposed as part of the **Board**'s approval. Prior to revocation, the **Board** shall notify the applicant, landowner and/or occupant of the real estate of the **violation** in writing and shall give the applicant, landowner and/or occupant an opportunity to be heard on the **violation**. At the **Board**'s hearing, the **zoning administrator** shall present information to the **Board** regarding the

FORT WAYNE ZONING ORDINANCE

alleged **violation**. Public notice and the public hearing on the revocation shall be in accordance with the **Board's** rules. Any application which is revoked by the **Board** shall be declared void.

(2) **Plan Commission**

The procedures of the **Commission** shall be governed by IC 36-7-4, the provisions of this §157.503(A)(2), and the **Commission's** rules. The **Commission** shall be empowered to act in accordance with IC 36-7-4, including but not limited to the following:

(a) **Adoption and Amendment of Comprehensive Plan**

The **Commission** shall review take action on proposed a replacement of or amendments to the **Comprehensive Plan**.

(b) **Development Plans**

The **Commission** shall review and take action on applications for the approval of Primary or Secondary Development Plans pursuant to the IC 36-7-4-1400 series, and as described in §157.301.

(c) **Subdivisions of Land**

The **Commission** shall review and take action on applications for the primary or **secondary approval of Subdivisions** of land, and the certification and recording of exempt land divisions, pursuant to the IC 36-7-4-700 series, and as described in §157.302.

(d) **Zoning Map Amendments**

The **Commission** shall review and take action on proposed zoning map amendments pursuant to the IC 36-7-4-600 series and §157.503(G).

(e) **Zoning Text Amendments**

The **Commission** shall review and take action on proposed ordinance text amendments pursuant to the IC 36-7-4-600 series and §157.503(H).

(f) **Plat Vacations**

The **Commission** shall review and take action on proposed **plat** vacations pursuant to IC 36-7-4-711.

(g) **Plat Covenant Vacations**

The **Commission** shall review and take action on proposed **plat** covenant vacations pursuant to IC 36-7-4-711 and IC 36-7-4-714.

(3) **Fees**

At the time an application is filed with the **Board, Plan Commission**, or Executive Director for action and approval, DPS staff shall collect a nonrefundable filing **fee**. In accordance with IC 36-7-4-411, the **Plan Commission** shall establish a schedule of **fees** to defray the administrative costs connected with:

- (a) Processing and hearing administrative appeals and applications for rezoning, **special uses, contingent uses** and variances;
- (b) Issuing permits; and
- (c) Other actions or activities taken in accordance with the provisions of IC Title 36.

FORT WAYNE ZONING ORDINANCE

(4) Deemed Delivery of Notice

If this ordinance or the rules of the **Board of Zoning Appeals** or **Plan Commission** requires written notice to be given to any **person**, the notice requirement shall be considered satisfied as of three (3) days after the date of deposit of the required notice in the United States mail.

(5) Commitments

(a) Authorization

As part of its review of an application the **Board of Zoning Appeals**, Hearing Officer, or the **Plan Commission**, as applicable, may permit or require the property **owner(s)** to make **commitments** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-1015, and the **Board's** or **Commission's** rules. **Commitments** shall be in a form acceptable to the **Board's** or **Commission's** legal staff.

(b) General Provisions

- (i) By permitting or requiring a **commitment**, the **Board**, Hearing Officer, or **Commission** does not become obligated to approve the application or recommend approval of the proposed zoning map amendment, and the Common Council shall be under no obligation to approve the zoning map amendment.
- (ii) By permitting or requiring a **commitment**, the **Board** or Hearing Officer, shall not be obligated to grant any requested **waiver** or modification of a zoning standard or requirement, and the **Commission** shall not be obligated to grant any requested **waiver** or modification of a **development** standard or requirement.
- (iii) If a **commitment** is executed in conjunction with an application or a proposed zoning map amendment, and the application or proposal is denied, the **commitment** shall not be recorded.
- (iv) This section does not affect the validity of any covenant, **easement**, equitable servitude, or other land **use** restriction created in accordance with the law.

(c) Content

A **commitment** may include, but shall not be limited to, the following provisions:

- (i) Limiting the **uses**, or a specific aspect of a **use**, that will be permitted on the property;
- (ii) Placing restrictions on the size, location, height, or similar aspects of a proposed **structure** or **structures** on the property;
- (iii) Establishing standards or requirements relative to screening, **buffering**, landscaping, parking, or other similar site design aspects of a **development** on the property;
- (iv) Limiting off-site impacts of a proposed **building**, **structure** or **development** or future **development** proposal, relative to noise, site lighting, **signage**, or similar issues;

FORT WAYNE ZONING ORDINANCE

- (v) Similar **use**, layout, or site design issues; or
- (vi) Any other provisions as determined by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**.

(d) Recordation

Commitments made under this §157.503(A)(5) shall be approved by the **Board**, Hearing Officer, or **Commission** and recorded in the Allen **County Recorder's** office in accordance with the **Commission's** rules. Unless modified or terminated by the **Commission** or automatically terminated, a recorded **commitment** made under this section is binding on:

- (i) The **owner** of the **parcel**;
- (ii) Any subsequent **owner** of the **parcel**; and
- (iii) Any **person(s)** who acquires an interest in the **parcel**.

(e) Enforcement

Commitments made under this §157.503(A)(5) shall include provisions for the enforcement of the **commitment**. The **commitment** shall designate the **Board**, Hearing Officer, or **Commission** as a party entitled to enforce the **commitment**. Other appropriate parties, including but not limited to registered neighborhood associations, may also be designated as a party entitled to enforce the **commitment**. A **violation** of a **commitment** shall be considered a **violation** of this ordinance.

(f) Modification and Termination

A **commitment** made under this §157.503(A)(5) shall automatically terminate if, after the adoption of the **commitment** and approval of the proposed application or zoning map amendment, the approval or zoning classification that is the subject of the **commitment** is changed at some future point. Otherwise, **commitments** made under this section shall only be modified or terminated by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**. Prior to the **Board**, Hearing Officer, or **Commission** considering a request to modify or terminate a **commitment** previously approved under this section, the **Board**, Hearing Officer, or **Commission** shall hold a public hearing on the request. The procedure for the public hearing, including required notice, shall be as established in the **Board's** or **Commission's** rules.

(6) **Conditions**

- (a) Wherever this ordinance grants the **Board** or the **Commission** the authority to impose **conditions** on an approval or recommendation:
 - (i) All **conditions** imposed shall be reasonably related to the anticipated impacts of the proposed **development** or land **use** and to the purposes of this ordinances; and.
 - (ii) Such **conditions** may include a requirement for the recordation of a written **commitment** in a form acceptable to the **Board** or **Commission**, as applicable, binding the present and subsequent **owners** of the **parcel** of land affected and all parties having an interest therein, to the terms of the **conditions**.

FORT WAYNE ZONING ORDINANCE

(7) Lapsing of Approvals

The approvals listed in the table below are valid for the periods indicted in that table. The sections listed in the right-hand column provide more information about periods of validity.

Type of Approval	Lapsing Period	Ordinance Section
Primary Development Plan	24 months	157.301(C)(4)(f)
Secondary Development Plan	36 months	157.301(D)(3)(f)(i)
Site Plan	6 months	157.302(G)(5)(b)
Primary Minor Subdivision	24 months	157.303(E)(4)(d)(i)
Secondary Minor Subdivision	24 months	157.303(E)(5)(i)(b)
Primary Major Subdivision	24 months	157.303(F)(4)
Secondary Major Subdivision	12 months	157.303(F)(4)(d)(ii)
Improvement Location Permit	3 months	157.303(B)(5&8)

FORT WAYNE ZONING ORDINANCE

(B) Improvement Location Permit

(1) General Provisions

An **Improvement Location Permit** shall be required for the construction, reconstruction, enlargement, or relocation of any **building** or **structure** (including a non-**temporary sign**), unless specifically excluded by this ordinance. No **building** or **structure** shall be erected, constructed, reconstructed, enlarged, or moved prior to the issuance of an **Improvement Location Permit**.

- (a) No **Improvement Location Permit** shall be issued unless the proposed **development** conforms with the provisions and requirements of this ordinance.
- (b) No **Improvement Location Permit** shall be issued for construction that would encroach over a platted front or rear **building** line, unless the applicant documents that the restrictive covenants for the **subdivision** allow such an encroachment. This prohibition shall also apply to all non-allowed construction that does not require an **Improvement Location Permit**
- (c) No **Improvement Location Permit** shall be issued for the construction, reconstruction, enlargement, or relocation of a **building** or **structure**, or any part of a **building** or **structure** (except for **fences** or **signs**), within a utility or surface drainage **easement**, unless the **easement** has been vacated (if the **easement** is a platted **easement**) or otherwise released.
- (d) No **Improvement Location Permit** shall be issued for construction that would encroach into a **corner visibility area** as defined herein. This prohibition shall also apply to construction that does not require an **Improvement Location Permit**
- (e) If an application requires the approval of a Development Plan or a Site Plan Review, that approval shall have been granted and all **conditions** of approval satisfied prior to the approval and issuance of any **Improvement Location Permit(s)**.
- (f) Projects meeting the definition of **major façade renovation** shall be required to be reviewed through the Design Review process as described in §157.404 and the **Commission's** rules prior to the application for an **Improvement Location Permit** application.

FORT WAYNE ZONING ORDINANCE

(2) Exclusions

An **Improvement Location Permit** shall not be required for the items listed in the following table, but the **development** standards of this ordinance shall still apply.

IMPROVEMENT LOCATION PERMIT EXCLUSIONS		
Accessory building of 200 square feet or less	Grill	Satellite dish
Access ramp	Handicap ramp	Sign (as set forth in §157.316)
Address marker	Hedge	Site lighting facilities
Basketball backboard/goal	Holiday decorations	Swing set
Bird bath	Landscape elements	Television aerial
Bird feeder	Mail delivery box	Temporary signs
Bird house	Name plate	Tree house (not attached to ground)
Dog/pet house	Newspaper delivery box	Trellis
Driveway	Patio (without foundations/footings)	Utility fixtures (incl. lines/poles/supports)
Fence (temporary construction)	Play equipment	Walk
Fence (agricultural)	Pond	Wall (retaining)
Flagpole	Property boundary marker	Yard light
Garden	Rain barrel/garden	

(3) Issuance of Permit

- (a) Complete permit applications shall be promptly reviewed by DPS staff. If the proposed construction is in compliance with the provisions of this ordinance, the permit shall be issued. However, the **Zoning Administrator** may distribute the permit application and supporting information to other applicable entities for review prior to the issuance of the permit. In that case the issuance of the permit may be delayed until any **conditions** of that reviewing entity are satisfied.
 - (i) If the proposed construction requires a permit from the Allen County **Building Department** then the **Improvement Location Permit** shall be sent by the DPS staff to the **Building Department**.
 - (ii) If the proposed construction does not require a permit from the Allen **County Building Department**, then the **Improvement Location Permit** shall be sent directly to the applicant.
 - (iii) If there is an existing zoning ordinance **violation** on the **lot** included in the permit application, the **Zoning Administrator** may delay the issuance of the permit until such time as the **Zoning Administrator** determines that the **violation** has been resolved or an adequate commitment to resolve the **violation** has been made.
- (b) If the proposed construction is not in compliance with the provisions of this ordinance, the **Zoning Administrator** shall not approve the application, and shall notify the applicant in writing of the reason(s) why the permit cannot be approved.

FORT WAYNE ZONING ORDINANCE

- (i) If the applicant amends the application to bring it into full compliance with the provisions of this ordinance within thirty (30) days after such notice, then the **Zoning Administrator** shall approve and issue the permit.
- (ii) If the application cannot be amended to bring it into full compliance, the **Zoning Administrator** shall defer action on the request to allow the applicant the opportunity to apply for a variance. If a variance is not obtained, or a requested variance is denied by the **Board of Zoning Appeals** or Hearing Officer, then the permit application shall be denied. The applicant may also withdraw the permit application.
- (iii) As part of the review and approval of any **Improvement Location Permit**, the **Zoning Administrator** may place **conditions** on the permit. If **conditions** are placed on a permit, those **conditions** must be satisfied or adequately addressed prior to the issuance of a **Certificate of Compliance** for the project or **use**.

(4) Lack of **Improvement Location Permit**

- (a) Any case where construction requiring an **Improvement Location Permit** takes place without the issuance of the required permit shall be a **violation** of this ordinance. In that case, the **Zoning Administrator** shall give the **owner(s)** written notice of the **violation** and the **owner(s)** of the real estate shall be required to make application for an **Improvement Location Permit**, in accordance with this §157.503(B)(1), within ten (10) business days of notice being given.
- (b) If the **Zoning Administrator** determines that the **building** or **structure** so erected or maintained fails to conform with the provisions of this ordinance, the **owner(s)** shall be granted thirty (30) business days to complete to the satisfaction of the **Zoning Administrator**, the modification necessary to cause the **building** or **structure** to be in compliance with the ordinance.
- (c) If the **owner(s)** fail to timely apply for an **Improvement Location Permit** as required by subsection (3)(a) above, or if at the end of the thirty (30) business day period the **building** or **structure** is not in conformity with the provisions of this ordinance, the **owner(s)** of the real estate on which the **building** or **structure** is located shall be subject to the penalties set forth in §157.505.

(5) Commencement and Continuation of Work

Work on any construction project for which an **Improvement Location Permit** has been issued shall begin within ninety (90) business days of the date of the issuance of the permit. Work shall continue with due diligence until the project is completed.

(6) Compliance with Approved Plans

All work shall proceed in accordance with the plan(s), specifications, and other information approved as part of the permit application.

(7) Amendment and Modifications

- (a) After the **Improvement Location Permit** has been issued, amendments involving the location, design, or layout of a proposed **building** or **structure** that are determined to not be a **substantial change** may be approved by the **Zoning Administrator**. Such an amendment, if approved, shall not require another **Improvement Location Permit** application.

FORT WAYNE ZONING ORDINANCE

- (b) After the **Improvement Location Permit** has been issued the approved plan(s) shall not be amended to include new items such as **accessory structures**, **decks**, further **additions**, or other similar changes. Such an amendment shall require another **Improvement Location Permit** application.
 - (c) An approved **Improvement Location Permit** may not be applied or transferred to another construction project or site or to a different applicant.
- (8) **Validity and Revocation of Permit**
 - (a) An approved **Improvement Location Permit** may be revoked and declared void by the **Zoning Administrator** in the following situations:
 - (i) If work on the construction project is not commenced within (90) days of its date of issuance and continued with due diligence to completion; or
 - (ii) If work on the construction project is not completed within eighteen (18) months of the issuance of the permit, unless a request to extend the validity of the permit is submitted prior to the expiration of the eighteen (18) months; this provision shall not apply to Site Plan review **Improvement Location Permits**;
 - (iii) If work on the construction project is not proceeding in conformance with the approved plan(s), specifications, and other information approved as part of the permit application; or
 - (iv) If work on the construction project is not in compliance with the provisions of this ordinance.
 - (b) If the **Zoning Administrator** determines that any of the situations listed in §157.503(B)(8)(a) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of non-compliance, and establish a time frame for the work to be brought into full compliance. The **Zoning Administrator** may also issue a stop work order (in conjunction with the Department of Neighborhood Code Enforcement) to ensure that no additional work will be done on the project.
 - (c) If the work on the project is not brought into full compliance within the time frame specified by the **Zoning Administrator**, a stop work order shall be issued (if one has not been previously issued), and the previously issued **Improvement Location Permit** shall be revoked and declared void. In a case where work on the project has not begun within the required ninety (90) days, a stop work order shall not be required, but the permit may still be revoked and declared void.
 - (d) After the revocation of an **Improvement Location Permit** any **person** performing any work in or about the **structure**, **building** or lot shall be subject to the penalties prescribed in §157.505.
- (9) **Certificate of Compliance**
 - (a) After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**. Upon the completion of the construction included with the issued **Improvement Location Permit**, the DPS staff shall take the following actions:

FORT WAYNE ZONING ORDINANCE

- (i) If the construction is in full compliance with the requirements of this ordinance, the requested **Certificate of Compliance** shall be issued to the **Allen County Building Department**. However, if another review entity has placed a condition on the issuance of the **Certificate of Compliance** as a result of a DPS distribution for review, the issuance of the **Certificate of Compliance** may be delayed until the **conditions** of that reviewing entity are satisfied.
 - (ii) If the **Certificate of Compliance** cannot be issued, the DPS staff shall advise the applicant of the reason(s) the compliance cannot be issued. It shall be the applicant's or the designated project representative's responsibility to resolve all outstanding issues, provide any requested information, or schedule any required inspections. The requested **Certificate of Compliance** shall not be issued until all outstanding issues are adequately addressed.
 - (b) Any approved **Certificate of Compliance** may be revoked and declared void by the **Zoning Administrator** in the following situations:
 - (i) If a **Certificate of Compliance** was issued based on the acceptance of a letter of **commitment** for compliance on a future date that was not fulfilled as specified; or
 - (ii) If a **Certificate of Compliance** approving a certain **use** was issued and the **use** is no longer in compliance with the provisions of this ordinance.
 - (c) If the **Zoning Administrator** determines that any of the situations listed in subsection (9)(a)(ii) or (9)(b) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of noncompliance and establish a timeframe for the **use** to be brought into full compliance. If the construction, site, or **use** is not brought into compliance within the timeframe specified the **Certificate of Compliance** shall be revoked and declared void. A new application, filing fee, review and approval shall be required to obtain another **Certificate of Compliance**.
- (10) **Certificate of Use**

In order for a landowner, tenant, or occupant to change any **use** of real estate to another **use** permitted in the **zoning district**, the landowner, tenant, or occupant shall apply for a **Certificate of Use**. The **Certificate of Use** shall certify only that the change in **use** of the real estate is permitted in the **zoning district** and complies with the **use** provisions of the applicable **zoning district**. A new outside **storage** area which does not otherwise require an **Improvement Location Permit** shall require an **Certificate of Use**.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

(C) Contingent Uses

(1) List of Contingent Uses

The following **contingent uses** may be permitted by the **Board of Zoning Appeals** after public hearing pursuant to §157.503(A)(1) in any **zoning district**, if the **Board** determines that the application meets the criteria in §157.503(C)(2) below. As part of its approval, the **Board** may impose **conditions** regarding the location, site design, and other features of the proposed **building, structure, use**, or site **development** as are reasonably related to the purposes of this ordinance.

- (a) **Airport** (public)
- (b) **Cemetery** (public or private)
- (c) **Community facility** not otherwise permitted (including a facility operated by a nonprofit organization for the public benefit)
- (d) **Correctional institution**
- (e) Government/publicly-owned and operated facility not otherwise permitted (highway/transportation facility, lift station, recycling facility, **sanitary landfill**, sewage/water treatment plant, and other utility facility).
- (f) **Heliport** (public).
- (g) **Public works use** (temporary)

(2) Criteria for Approval of Contingent Use

The **Board** shall approve a **contingent use** if the **Board** determine that:

- (a) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (b) The proposed **use** will substantially serve the health, safety, or welfare of the community and will not conflict with the **Comprehensive plan** or other plan duly adopted by the Fort Wayne Common Council.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

(D) Special Uses

(1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §157.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §157.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition, as set forth in AC.C. 3-4-11-9 of the Airport Overlay Districts provisions, certain uses shall also require approval of a special use, even in cases where the use is a permitted use in the existing underlying zoning district.

SPECIAL USES	
Special Use	District(s) Where Allowed
Accessory building conversion to a single family residence	AR
Accessory building, as a primary building, on a site of at least 5 acres	AR
Accessory dwelling units (ADU)	DE
Airstrip/heliport (for corporate or multiple owner use)	AR
Animal grooming	C1
Animal hospital	C1
Animal keeping (outdoor, small animal)	R1, R2, R3, RP, MHS, and DC
Animal keeping (small)	DE and UC
Animal kennel	C1
Animal obedience school	C1
Automatic teller machine (stand-alone ATM)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile sales	C2, NC, and SC
Bed and breakfast	AR, R1, R2, R3, RP, and MHS
Boarding house	AR, R1, R2, R3, RP, MHS, and DE
Child care home (class II)	AR, R1, R2, R3, RP, MHS, DE, and UC
Club, private ⁽¹⁾	R1, R2, R3, RP, MHS, and C1,
Commercial communication tower ⁽²⁾	C1, C2, NC, SC, C3, C4,BTI, I1, I2, and I3
Community facility not otherwise permitted (transitional use)	R1, R2, R3,RP, and MHS
Community garden that includes a structure	AR, R1, R2, R3, RP, MHS, C1, C2, NC, DC, DE, and UC
Country club	AR, R1, R2, R3, RP, and MHS
Educational institution uses	AR, R1, R2, R3, RP, MHS ⁽¹⁾ , C1, C2, C3,DE, UC
Emergency response facility (transitional use)	R1, R2, R3, RP, and MHS
Flood control improvement project/non-permitted fill, private	Any district
Fraternity house	DE and UC
Fuel storage facility	I2
Funeral home	AR, R1, R2, R3, RP, and MHS

FORT WAYNE ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Gas station (including convenience store)	C2, NC, SC, I1, and I2
Gas stations/convenience stores (as a primary or accessory use)	DE
Golf course	AR, R1, R2, R3, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) ⁽¹⁾	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2, and I3
Heliport	R1, R2, R3, RP, and MHS
Home business ⁽²⁾	AR, R1, R2, R3, RP, MHS, C1, C2, C3, C4, DC, DE, and UC
Home enterprise ⁽²⁾	AR
Home workshop ⁽²⁾	AR
Homeless/emergency shelter (accessory to a religious institution)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE,
Illuminated recreation field (if adjacent to residential district)	BTI, I1, I2, and I3
Instruction/training education (transitional use)	R1, R2, R3, RP, and MHS
Junk yard	I2
Live-work unit (transitional use)	R1, R2, R3, RP, and MHS
Manufactured home, Type II (see § 157.503(D)(3)(e) for additional standards)	R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DE, UC
Medical office (transitional use)	R1, R2, R3, RP, and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, DC, DE, MHS, R1, R2, R3, and RP
Model unit (for an extension of time or expansion of scope)	DC, DE
Motor vehicle storage yard	I2
Museum	R1, R2, R3, RP, and MHS
Nature preserve (that includes a structure or parking area	AR, R1, R2, R3, RP, MHS, DE, and UC
Neighborhood facility	AR, R1, R2, R3, RP, and MHS
Nonconforming use (expansion of existing nonconforming use , or allow conforming status to existing use)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2, and I3
Open use of land (not otherwise permitted)	I3
Outdoor use (in conjunction with a permitted primary building)	C2
Parking structures (public or private)	DE
Pawn shop	DC and DE
Personal service (transitional use)	R1, R2, R3, RP, and MHS
Plant nursery (retail)	C2, NC, and SC
Processing facility (including but not limited to animals, animal products, lumber, timber, raw materials processing)	I2
Professional office/business service (transitional use)	R1, R2, R3, RP, and MHS
Reception, meeting, or recreation hall; clubhouse	AR

FORT WAYNE ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Recreation facility or use (not otherwise permitted) ⁽¹⁾	A1, A3, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, and UC
Religious institution or school illuminated athletic field(s)	R1, R2, R3, RP, MHS, C1, C2, NC, SC, DC, DE, and UC
Residential facility for a court-ordered re-entry program	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2, and I3
Residential facility for homeless individuals	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2, and I3
Retail (limited)	C1
Riding stable, non-residential	AR
Salvage yard	I2
Sheet metal fabrication and/or processing	I1
Shooting range (indoor)	C2, and SC
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	AR
Single family dwelling (attached)	DE, UC
Single family dwelling (detached)	UC
Solar panel (ground mounted)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2, and I3
Solid waste transfer station	I2
Sorority house	DE, UC
Studio (transitional use)	R1, R2, R3, RP, and MHS
Subdivision amenity	UC
Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision	R1, R2, R3, RP, and MHS
Tattoo establishment	C1
Tree service	C3 and C4
Two family dwelling (to allow conforming status for existing nonconforming dwellings)	AR, R1, and MHS
Utility facility, private (not otherwise permitted or exempt)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, and UC
Veterinary clinic	C1
Wind energy conversion system (micro) ⁽²⁾	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
Wind energy conversion system (standard) ⁽²⁾	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Winery (micro)	I1
Notes: (1) See the individual zoning districts for possible additional use standards (2) See § 157.503(D)(3) for additional use standards	

FORT WAYNE ZONING ORDINANCE

(2) Criteria for Approval of **Special Use**

In reviewing an application for any **special use**, the **Board** may consider the location and size of the **use**; the nature and intensity of the operations involved in or conducted in connection with it; and its site layout, including access provisions and parking requirements, and may approve a **Special Use** if the **Board** determines that:

- (a) The proposed **use** will not be unduly detrimental to the **use**, value, pattern of **development**, or **growth** of the surrounding area;
- (b) The location, size, intensity, site design, and operation of the proposed **use** will be compatible with the immediate area;
- (c) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (d) If the application is for one of the following listed **uses**, in addition to the criteria above, the **Board** shall also determine that the proposed **use** will not be injurious to the public health, safety, or welfare of the community:
 - (i) **Airstrip/heliport** (corporate/multiple **owner use**)
 - (ii) **Arena**
 - (iii) **Recreation facility or use** (not otherwise permitted)
 - (iv) **Sanitary landfill**
 - (v) **Shooting range** (indoor or outdoor)
 - (vi) **Solid waste transfer station**
 - (vii) **Stadium/racetrack**
 - (viii) **Utility facility, private**

(3) Additional **Special Use** Standards and Provisions

The following standards shall apply as applicable to applications for the noted **Special Use** approvals.

(a) **Commercial communication tower**

- (i) A **special use** shall not be required for the location of additional cabinets or shelters for an existing tower or co-location of antennae in any **district** on an existing **building** or **structure**. Antennae shall be permitted to extend up to 20 feet above the existing **building** or **structure**. A **Certificate of Compliance** shall be obtained for all antennae locations and co-locations.
- (ii) In addition to meeting the requirements set forth in §157.503(D)(2) the **Board** shall also find the following as a part of its approval:
 - [A] The proposed communication tower is necessary to serve either new providers of service, or documented service gaps in the immediate area; and
 - [B] The applicant is unable to locate or co-locate on an existing **structure**.

FORT WAYNE ZONING ORDINANCE

(iii) New communication towers approved by the **Board of Zoning Appeals** shall conform to the following **development** standards:

- [A] The tower **structure** shall not exceed 150 feet in height for a new service provider, and 80 feet in height for towers intended to fill in service gaps for an existing provider;
- [B] The **setback** requirement for towers shall be as follows. **Setbacks** shall be measured from the base of the tower to the applicable **lot lines**.

TOWER SETBACK REQUIREMENTS	
Front yard (including through lots)	75% of tower structure height
Side yard – interior lot line	50% of tower structure height
Side yard – street frontage side of corner lot	75% of tower structure height
Rear yard	50% of tower structure height

(b) **Home business**

- (i) The **Board** may limit the number of outside employees who work at the home;
- (ii) No outside display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to four (4) square feet;
- (iii) No vehicle with a load capacity greater than one-ton shall be permitted to be parked outside as part of a **home business**; and
- (iv) Food-related **uses** shall also require Fort Wayne-Allen **County Department of Health** approval.

(c) **Home enterprise**

- (i) The **Board** may limit the number of employees;
- (ii) The area used for outside **storage** for the **home enterprise** shall be: limited to the size of the **building** used for the workshop, up to 4,000 square feet; permitted up to eight (8) feet in height; and adequately screened; the **Board** may further limit the outside **storage** area;
- (iii) Adequate on-site parking shall be provided for employee and client/customer parking; and
- (iv) **Home enterprises** shall only be considered for properties previously approved for a **home workshop** or a different **home enterprise**.

FORT WAYNE ZONING ORDINANCE

(d) **Home workshop**

- (i) The **Board** may limit the number of employees;
- (ii) The area used for outside **storage** for the **home workshop** shall be limited to the area of the workshop, and shall be adequately screened; the **Board** may further limit the outside **storage**;
- (iii) Except for vehicles or equipment, outside **storage** shall be limited to eight (8) feet in height; and
- (iv) Adequate on-site parking shall be provided for employee and client/customer parking.

(e) **Manufactured home, type II**

In addition to meeting the requirements set forth in §157.503(D)(2) the **Board** shall determine that the home is:

- (i) Compatible with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; and foundation type and construction; and
- (ii) Constructed of roofing and siding materials compatible with the immediate area.

(f) **Sanitary landfill**

- (i) The minimum size of a **sanitary landfill** facility shall be seventy (70) acres.
- (ii) Minimum required depth of any **front, rear** or **side yard** shall be one-hundred (100) feet, and no portion of the filling operation shall be conducted in that area. Paved roadways may be located within the front, rear or **side yards**.
- (iii) No part of a **sanitary landfill** property shall be located less than six (6) miles from a public airport.
- (iv) The entire landfill operation shall be enclosed with a **wall, fence** or other approved barrier at least five (5) feet in height; facilities for after-hours acceptance of **refuse** need not be within the area enclosed by the **wall, fence**, or barrier
- (v) A **Board**-approved site screening area at least thirty (30) feet in width shall be provided and maintained between the exterior boundaries or property lines of the project and the fencing set forth in subsection (f)(4) above. Site screening can include planting and earth berming or mounding.

(g) **Solid waste transfer station**

Any waste receptacles stored outside shall be stored on a paved surface.

FORT WAYNE ZONING ORDINANCE

(E) Variances from **Development** Standards

The **Board of Zoning Appeals** may approve variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5, if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the ordinance will result in practical difficulties in the **use** of the property.

(F) **Use** Variances

The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the **Comprehensive Plan** or any other plan duly adopted by the Fort Wayne Common Council.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

(G) Zoning Map Amendments

(1) Purpose

The following procedures, requirements, and standards are established to allow for proper **Commission** review and consideration of zoning map amendment application in conformance with the objectives and strategies of the **Comprehensive Plan**, and to comply with the provision of IC 36-7-4-600 series (Zoning Ordinance).

(2) Procedure

(a) Pre-application Discussion

Prior to the submission of an application to amend the zoning map, the applicant is encouraged to meet with the DPS staff to discuss the proposal. The purpose of this discussion is to:

- (i) Acquaint the applicant with the requirements and procedures of the rezoning process; and
- (ii) Advise the applicant of potential issues relative to the request, and how to proceed with the request.

(b) Applicant Initiation and Submission Requirements

- (i) Per I.C. 36-7-4-602(c)(1)(B), an applicant may initiate an application to amend the zoning map. The applicant for a zoning map amendment shall submit an application form and supporting information as established by the **Commission**'s rules. DPS staff shall only place an application on the **Commission**'s next available public hearing agenda after all submittal requirements have been received. A determination made by the DPS staff with regard to the completeness of information required for an application may be appealed to the **Commission** in accordance with the **Commission**'s rules.
- (ii) The **Commission** may also initiate an application to amend the zoning map, in accordance with IC 36-7-4-602(c), and the **Commission**'s rules.
- (iii) The Fort Wayne Common Council may also initiate a proposal application to amend the zoning map, in accordance with IC 36-7-4-602(c) and the **Commission**'s rules., and direct the **Commission** and DPS staff to prepare it.

(c) **Commission** Review and Recommendation

(i) Public Hearing

All proposed zoning map amendment requests shall be reviewed by the **Commission** at a scheduled public hearing. The **Commission** shall establish hearing procedures by rule.

(ii) Recommendation of **Commission**

After a public hearing on the request has been held, the **Commission** may make a recommendation on the proposed zoning map amendment at its next scheduled business meeting. The **Commission** may make a favorable recommendation, an unfavorable recommendation, or no recommendation on the request. The **Commission** shall enter written findings setting forth

FORT WAYNE ZONING ORDINANCE

the reasons for its action. The **Commission** may defer action on a proposed zoning map amendment, if it needs additional information or additional time for consideration of the request. If the **Commission** permits or requires a **commitment** in conjunction with its review of a proposed zoning map amendment, as set forth in §157.503(A)(5), the **Commission** may defer action on the request until the **commitment** has been executed. Any action by the **Commission** shall be taken in accordance with IC 36-7-4-605 and the **Commission**'s rules. In considering a request application for a zoning map amendment, the **Commission** and Common Council shall pay reasonable regard to:

- [A] The **comprehensive plan**;
- [B] Current **conditions** and the character of current **structures** and **uses** in each **district**;
- [C] The most desirable **use** for which the land in each **district** is adapted;
- [D] The conservation of property values throughout the jurisdiction; and
- [E] Responsible **development** and growth.

(iii) Notice of Recommendation

Notice of the **Commission**'s recommendation on a proposed zoning map amendment shall be provided as established in the **Commission**'s rules.

(iv) Certification of Recommendation

The **Commission**'s recommendation shall be certified to the Common Council, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

(d) Common Council Consideration of **Commission** Recommendation

The Common Council shall consider and take action on the **Commission**'s recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

(e) Veto by Mayor

Any proposed zoning map amendment shall be subject to veto by the Mayor as set forth in IC 36-7-4-609 and **City Code**.

(H) Zoning Text Amendments

(1) Purpose

The following procedures are established to allow for proper **Commission** review and consideration of ordinance text amendments, in conformance with objectives and strategies of the **Comprehensive Plan**, and to comply with the provisions of IC 36-7-4-600 series (Zoning Ordinance).

(2) Procedure

The **Commission** shall establish by rule procedures for the preparation, processing, review, and action on any proposal to amend or partially repeal the text of the ordinance, including notice and hearing, pursuant to IC 36-7-4-606 and IC 36-7-4-607.

FORT WAYNE ZONING ORDINANCE

§ 157.504 NONCONFORMING SITUATIONS

(A) Purpose

The purpose of this §157.504 is to set forth criteria, standards, and procedures for establishing, continuing, altering, or discontinuing legal **nonconforming uses, structures, lots** and situations. This section is intended to provide for the continued **use of nonconforming structures, uses, lots** and situations, along with reasonable maintenance and repairs.

(B) Nonconforming **Lots**

Any **lot** established by legally recorded **plat** or deed prior to April 3, 2014 that does not meet the minimum size or dimension requirements of this ordinance, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may still be used for any **use or structure** permitted in the **zoning district** in which the **lot** is located, but any **buildings or structures** constructed on such a **lot** shall comply with all applicable requirements for that **building or structure**.

(C) Nonconforming **Uses**

(1) Continuation

Except as otherwise provided in this section, a **use** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may be continued.

(2) Expansion of **Use**

- (a) A **structure** used for a **nonconforming use** shall not be added to or enlarged in any manner unless the **use** and the **structure**, including the **addition** or enlargement, is brought into conformance with the permitted **use** and **setback** requirements of the **district** in which it is located, with the following exceptions:
 - (i) A single **family**, two **family**, or attached single **family** residential **structure**, located in a **zoning district** that does not permit **single family uses**, may be added to or enlarged, provided the **addition** conforms to all applicable residential **setback** requirements.
 - (ii) **Uses** located in the DC, DE, and UC **districts** that have become legal nonconforming due to reclassification or amendment to this ordinance may be added to or enlarged on (a) the property shown on the Allen **County** Assessor's Office property record card for the property at the time of the rezoning or amendment that created the nonconforming situation or (b) the **development site** where the **building** and improvements are located at the time of the rezoning or amendment that created the nonconforming situation, provided the **addition** conforms to all other applicable provisions of this ordinance.
- (b) A nonconforming use may be expanded or extended into any other portion of the structure that existed at the time the nonconforming use was established.
- (c) A nonconforming use on a part of a lot that is not inside a building shall not be expanded or extended into any other portion of such lot; except that an agricultural operation that existed legally under the Allen County Zoning Ordinance and then was annexed into the **City** of Fort Wayne into an AR zoning district, shall be permitted for the same type of agricultural activity on any part of the original lot, subject to the maximum numbers of animals limitations of a low intensity agricultural livestock operation.

FORT WAYNE ZONING ORDINANCE

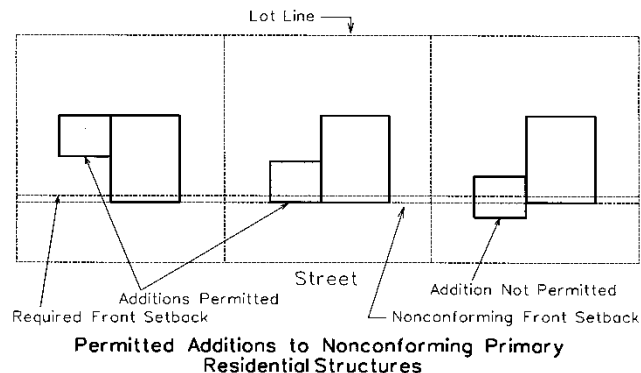
(D) Nonconforming Buildings or Structures

(1) Continuation

- (a) Except as otherwise provided in this section, a **nonconforming building or structure** that legally existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, shall be permitted to continue.
- (b) A detached residential **accessory building** that becomes nonconforming due to the demolition or other removal of the primary **residential building** shall be permitted to continue. However, the failure to construct a new primary **residential building** on the same **lot, tract, or development site** within twelve (12) months of the removal of the **primary building** shall be construed as intent to abandon the **accessory building or structure**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.

(2) Additions or Enlargement of Buildings or Structures

- (a) A **building or structure** that does not conform to the height limitation of the **zoning district** in which it is located may be added to or enlarged, provided the **addition** or enlargement conforms to the height limitation.
- (b) A primary **residential building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged, provided that the nonconforming front or **rear yard** dimension is not decreased.



- (c) A primary **nonresidential building** not located in a DC, DE, or UC **district** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged on a one time basis of up to 50% of the square footage of the existing **structure**, provided that the nonconforming front or **rear yard** dimension is not decreased.
- (d) In the DC, DE, and UC **districts**, **primary building** may be added to or enlarged provided the **addition** does not violate any minimum front, side or **rear yard setback** requirement.
- (e) A detached residential **accessory building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to side or rear **setback** requirements may be rebuilt on the existing foundation, added to, or enlarged, provided that the existing nonconforming **setback** is not less than 1.5 feet and the **building** is not located in a platted utility **easement**.

FORT WAYNE ZONING ORDINANCE

- (f) In a C2 **district** that existed as of April 3, 2014, existing **buildings** that exceed the square footage limitation for new **development** permitted in that **districts** and **buildings** located on **lots** that contain multiple **buildings** as of April 3, 2014, shall be permitted to be expanded or reconstructed, provided the expansion or reconstruction conforms to the applicable **setback**, height and open space provisions in this ordinance.
- (g) If a **lot** in a C2 **district** that existed as of April 3, 2014 did not contain multiple **buildings** as of that date, but had adequate space to accommodate multiple **buildings** as of that date, then the construction of multiple **buildings** on that **lot** shall be permitted, provided that all **buildings** conform to the applicable **setback**, height, and open space provisions in this ordinance.

(3) Maintenance or Reconstruction

- (a) A **nonconforming building or structure** that legally existed as of March 2, 1998 or that becomes nonconforming as a result of an amendment to this ordinance, may be maintained and repaired, except as otherwise provided in this section.
- (b) An undamaged **nonconforming building or structure** may be reconstructed if the reconstruction does not result in the removal or demolition of any exterior **wall** (unless such removal or demolition will result in that exterior **wall** meeting the requirements of the ordinance), and the reconstruction is no more than double the total value of the **nonconforming building or structure**.

(E) Other Nonconforming Situations

(1) Fences

Fences that are nonconforming with regard to location on the **lot** may be maintained and repaired as necessary. Such a **fence** may also be replaced, provided the location and type of **fence** remains the same and the height is not increased. However, in the event of a **fence** containing barbed wire, razor wire or other harmful material, the replacement of that part of the **fence** shall only be permitted in accordance with the applicable current requirements of the **zoning district** where the **fence** is located. Any **person** proposing to replace such a nonconforming **fence** shall submit adequate documentation as part of the application for the **Improvement Location Permit** for the **fence** verifying the current location, height and fencing material to DPS staff. The replacement **fence** shall conform to all other applicable provisions of this ordinance. This exclusion shall not apply to a proposal to replace any existing **fence** located within a required **front yard** unless the **fence** is in line with an existing **building** or is moved back to be in line with an existing **building**. In that instance the type of **fence** may also be changed, provided the **fence** height is not increased.

(2) Parking Areas

Parking areas that do not conform to the **development**, landscaping, and/or screening and buffering standards of §157.404 (**Development Design Standards** and Requirements) or 157.408 (Screening and **Buffering**), may continue to be used. Any proposed expansion of such a parking area shall be required to conform to the applicable **development** standards in the area of that expansion. The resurfacing, restriping, or similar maintenance of existing parking area shall not be considered an **addition** or expansion.

(3) Signs

Nonconforming **signs** shall be governed by the provisions of §157.409(F)(10).

(4) Reversion of Use

FORT WAYNE ZONING ORDINANCE

A **building** originally designed for single or two **family use** and converted to a higher intensity residential or non-residential **use** may be reverted to a single **family** or two **family use** if acceptable evidence can be provided to the DPS staff showing that the **building** was originally built for or was historically used for single **family** or two **family use**. A **Certificate of Use** application is required for consideration of a **building** reversion. Buildings reverted under this §157.504(E)(4) shall be considered to be a conforming use. Evidence that could be determined to be acceptable includes but is not limited to the following:

- (a) Original **building** designs or permits;
- (b) Sanborn Fire Insurance Maps;
- (c) **City** directories;
- (d) Tax or assessment records; and
- (e) Affidavits

(1) Acquisition of Property for Public Purposes

- (a) If a government or quasi-governmental entity acquires property for public purposes, and the result of that acquisition is to reduce **lot area**, **lot width**, property **setbacks** below the minimums required by this ordinance in the **district** where the property is located, or otherwise results in **development** on the property not complying with the requirements of this ordinance, and that deviation from the requirements of this ordinance did not exist before the acquisition of property for public purposes, then the deviation from the requirements of this ordinance created by acquisition of property for public purposes shall not be considered a non-conformity, and the applicant's rights with regard to the remaining property shall be the same as if a portion of the property had not been acquired for public purposes.

(F) Discontinuation and Damage

(1) Discontinuation of Use

- (a) Any **nonconforming use** that has been discontinued for a period of twelve (12) consecutive months as determined by the **Zoning Administrator** shall be deemed abandoned and shall not be permitted to be reestablished. Any subsequent **use** of the **lot** shall only conform to the **use** provisions of this ordinance. In a case where a detached residential **accessory building** becomes a **nonconforming building** and **use** due to the demolition or other removal of the primary **residential building** on the same **lot** the passage of twelve (12) months after the removal of the **primary building** without the construction of a new primary **residential building** shall be deemed as intent to abandon the **accessory building and use**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.

(2) Restoration of Damaged Building or Structure

- (a) A damaged **nonconforming building** or **structure** may be reconstructed or restored if the cost of **restoration** or reconstruction is no more than double the total value of the **nonconforming building or structure**. A damaged **nonconforming building or structure** that costs more than double the total value of the **nonconforming building or structure** to repair shall only be repaired or rebuilt in conformance with the provisions of this ordinance. However, a nonconforming detached single **family** residential **structure** located in a **district** which does not allow new single **family** detached residential **structures** shall be permitted to be rebuilt if damaged, provided it meets the other applicable standards of this ordinance.

FORT WAYNE ZONING ORDINANCE

- (b) For purposes of this subsection, the “value of the **nonconforming structure**” shall be presumptively determined by the property **owner**’s most current property record card that is maintained by the applicable agency responsible for assessing the property for real estate taxes. The property **owner** may attempt to prove the value of **nonconforming structure** by providing the **Zoning Administrator** with an appraisal that is completed and signed by an appraiser licensed by the State of Indiana and performed in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP). The **Zoning Administrator** shall determine the value of the original **nonconforming structure**,

(3) No Expansion of Damaged **Building** or **Structure**

Any damaged **nonconforming building** or **structure** shall be reconstructed or restored within the boundaries of the footprint of the original **nonconforming building** or **structure**, and the original **nonconforming building** or **structure** shall not be expanded or enlarged. Any **nonconforming building** or **structure** that is restored or reconstructed at more than double the total value of the **building** or **structure**, or that is expanded outside of the footprint of the original **nonconforming building** or **structure**, shall result in the **building** or **structure** losing its nonconforming status and the building or structure shall be required to meet the requirements of this ordinance.

(G) Documentation

An applicant or **owner** claiming the existence of a **nonconforming building, structure, use, lot**, or site feature shall bear the burden of supplying the **Zoning Administrator** with adequate documentation verifying that the **structure** is a **nonconforming structure** or **use**. The **Zoning Administrator** shall review the submitted information and make a determination as to the validity of the **use**.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.505 ENFORCEMENT

(A) Purpose

The purpose of this section is to:

- (1) Provide for the enforcement of the provisions of this ordinance; and
- (2) Establish standards, procedures, and requirements for **violations** and penalties.

(B) Enforcement Officials

The **Plan Commission, Board of Zoning Appeals**, Executive Director, **Zoning Administrator**, any zoning enforcement officers designated by the **Zoning Administrator**, and DPS staff are designated and empowered to enforce the provisions and requirements of this ordinance. The enforcement shall be carried out as set forth in this section, the **City Code**, and by rule in accordance with the provisions of this ordinance and IC 36-7-4.

(C) Conformance

All departments, officials, and employees with the authority to issue permits or licenses within the **planning jurisdiction** of the **City** shall do so only in conformance with the applicable provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

(D) Violations

Each of the following shall be a **violation** of this ordinance and a common nuisance:

- (1) The erection, raising, conversion, construction, enlargement, moving or maintenance of any **building** or **structure**, or the **use** of any land or **lot**, or **building** or **structure** that is contrary to any of the provisions of this ordinance, including but not limited to:
 - (a) Constructing a **building** or **structure** without a required **Improvement Location Permit**;
 - (b) Constructing a **building** or **structure** not in conformance with an issued **Improvement Location Permit**;
 - (c) Occupying a **structure** without a **Certificate of Compliance**; or
 - (d) Operating a **use** in a **zoning district** where that **use** is not permitted.
- (2) Any **person**, whether as principal agent, **owner**, lessee, tenant, contractor, builder, architect, **engineer** or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or is liable under this ordinance for maintaining a common nuisance, shall be in **violation** of this ordinance.
- (3) In addition, the failure or refusal of a **developer**, or the **developer's** successor in interest, to completely install improvements in a Development Plan or **subdivision** in accordance with this ordinance and/or with the **developer's** plans and specifications for the Development Plan or **subdivision**, as approved by the **Commission**. The **owner** or occupier of such **building, structure, land, or lot**, or as to uncompleted improvements in a Development Plan or **Subdivision**, the **developer** or the **developer's** successor in interest, shall be in **violation** of this ordinance and held liable for maintaining a common nuisance.

FORT WAYNE ZONING ORDINANCE

(E) Enforcement Powers

Those officials and entities of the **City** of Fort Wayne listed in §157.505(B) may enforce **violations** of this ordinance by any or all of the following means, and the **use** of one means shall not prevent those officials and entities from using a different or additional means to enforce the same **violation** unless prohibited by State law.

(1) Stop Work Order

- (a) The **Zoning Administrator**, Executive Director, the **Board of Zoning Appeals**, the **Plan Commission**, or these entities acting in conjunction with the Fort Wayne Department of Neighborhood Code Enforcement, shall have the authority to issue an order for work on any **building, structure, land, lot, or development site** to be stopped, if the work is in **violation** of this ordinance, and to call upon the police power of the **City** to give effect to that order.
- (b) A decision by the **Zoning Administrator** or Executive Director to issue a stop work order shall be appealed to the **Board of Zoning Appeals**, in accordance with the provisions of this ordinance and the **Board's** rules, or with respect to a Development Plan or **Subdivision**, to the **Commission**.
- (c) The stop work order shall remain in effect during the pending of any appeal, and after an appeal unless it is removed, rescinded, modified or revoked by the **Board**, or if applicable, the **Commission**.
- (d) A **violation** of a stop work order shall be considered a **violation** of this ordinance

(2) Non-Issuance of **Improvement Location Permits**

- (a) No **Improvement Location Permits** shall be issued for any improvements on **lots** or **parcels** of land that have been **subdivided** contrary to the provisions of this ordinance; provided however, that the **Zoning Administrator** or Executive Director shall be allowed to issue such permits to the applicant upon the expiration of the time period specified in §157.303(C)(2)(b) that would have applied had there been compliance with this ordinance.
- (b) In the event a **dwelling** within a **Commission** approved recorded **Subdivision Plat** is occupied prior to issuance of a **Certificate of Compliance** for that **dwelling**, and the **Certificate of Compliance** cannot be issued because all improvements serving the **dwelling** (as shown on the approved **subdivision** plans) have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **lots** within that recorded **plat** until all previously approved **subdivision** improvements serving that **dwelling** are properly installed and operational and that **dwelling** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(3) Non-Issuance of Development Plan Project Permits

In the event a **building** or **structure** within an approved Development Plan is occupied prior to issuance of a **Certificate of Compliance** for that **building** or **structure**, and the **Certificate of Compliance** cannot be issued because all improvements serving that **building** or **structure** (as shown on the approved Development Plan) had have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **buildings** or **structures** within that Development Plan until all previously approved improvements serving that **building** or

FORT WAYNE ZONING ORDINANCE

structure are properly installed and operational and that **building** or **structure** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(4) Breach of **Bond**

The Executive Director, for and on behalf of the Fort Wayne Plan Commission, may enforce through legal proceedings or otherwise any breach of a **bond** executed by a **developer** and posted with the **Commission** pursuant to the provisions of §157.303(F)(6).

(5) **Violation** Prosecution

Any **person** that commits a **violation** of this ordinance, may be prosecuted as set forth in this ordinance in Allen **County** Circuit Court or Superior Court, for such a **violation**. Each calendar day of the existence of a **violation** may be considered as a separate offense.

(6) Injunctive Relief

(a) Abatement

The individual(s) or entities designated in this ordinance may bring action for an injunction in the Allen **County** Circuit or Superior Court to enjoin any **person** from violating, or continuing to violate any provision of this ordinance and to cause that **violation** to be resolved, removed, or abated. Any other aggrieved property **owner** or entity may also initiate such action.

(b) Removal of **Structure**

The individual(s) or entities designated in this ordinance may bring action in the Allen **County** Circuit or Superior Court for a mandatory injunction directing a **person** who violates, or is liable for a **violation** of, this ordinance, to remove such **building, structure, sign, fence**, and/or **addition/enlargement** to an existing **building** or **structure** erected, used, or maintained in **violation** of this ordinance.

(7) Payment of Costs

Any **person** found to be in **violation** of this ordinance in an enforcement action shall be responsible to pay all applicable attorney **fees**, court costs, and other costs and expenses incurred by the **Commission**, Executive Director, **Zoning Administrator**, **Board of Zoning Appeals** or property **owner** who is damaged in connection with the prosecution of the enforcement action.

(8) Private Covenants, Restrictions or Agreements

Private covenants, restrictions and/or agreements, whether by deed or other instrument, that impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations upon the individual(s) or entities designated in this ordinance unless the **Commission** or the **Board** had accepted in writing, and had specifically accepted the responsibility for enforcement of, the terms and **conditions** of any such private covenant, restriction or agreement.

(9) Provision Affect or Modification

The provisions of this ordinance shall not be construed to be affected or modified by any State of Indiana statute or any other **City** of Fort Wayne ordinance, whether such statute

FORT WAYNE ZONING ORDINANCE

or ordinance may be more restrictive or lenient, or impose any different standards than are required under this ordinance, unless this ordinance or the law specifically provide to the contrary.

(10) Remedies Cumulative

The remedies provided for in this section are cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

(11) Penalty

A **person** who commits a **violation** of this ordinance shall be fined an amount of not more than two thousand five hundred dollars (\$2,500.00) for each offense.

(F) Administrative Proceedings for **Violations**

- (1) This ordinance restricts and prohibits actions that are harmful to land, air, and water and the **City** wants to provide an administrative proceeding to assess fines for **violations** of this ordinance.
- (2) The **City** hereby establishes an administrative proceeding for the hearing of certain **violations** of this ordinance pursuant to I.C. §§ 36-7-4-1013(a) and 36-1-6-9.
- (3) Pursuant to I.C. § 36-1-6-9(b), the **City** hereby appoints the **City** hearing officer appointed by the **City** pursuant to I.C. § 36-7-9 and §152.13 of the **City** Code, as amended from time to time, as the administrative body to hear and enforce **violations** of this ordinance.
- (4) In an administrative proceeding to enforce this ordinance:
 - (a) An attorney designated by the **Commission** shall, upon receipt of information, make an investigation of the alleged zoning **violation**, and if the acts elicited by the investigation are sufficient to establish a reasonable belief that a **violation** of this ordinance has occurred on the part of the party being investigated, the attorney designated by the **Commission** may file a complaint against the **person** and prosecute the alleged **violation** before the hearing officer designated in subsection (3) above. The complaint shall contain: (a) the date of the alleged **violation**, (b) the name of the responsible **person**, (c) the address of alleged **violation**, (d) the provision(s) of this ordinance allegedly violated, (e) a brief statement supporting the alleged **violation**; and (f) the amount of the civil penalty sought under this ordinance. The complaint shall be served by U.S. mail and by certified mail, return receipt requested, on the **owner** of the real estate at the last address shown on the property record card maintained by the Allen **County** Assessor.
 - (b) The hearing officer appointed under subsection (3) above shall provide a notice of the hearing and conduct a hearing on the complaint and the alleged **violation**, and any alleged defenses thereto, in accordance with I.C. § 36-7-9 and §152.13 of the **City** Code, as amended from time to time;
 - (c) At the administrative hearing, the alleged **violation** of this ordinance must be proven by a preponderance of the evidence with the **Commission** having the burden of proof;
 - (d) If the **person** is found to have violated this ordinance, the administrative body may impose a penalty against the **person** in accordance with a schedule of penalties adopted by the **Plan Commission**; the amount not to exceed \$2,500.00.

FORT WAYNE ZONING ORDINANCE

- (5) A **person** who receives a penalty from the hearing officer under this §157.505(F) may appeal the order imposing the penalty to either the Allen Superior or Allen Circuit Court, alleging that the order was arbitrary, capricious, unreasonable or contrary to law. An appeal of an order imposing a penalty for violating this ordinance must be filed with either the Allen Superior or the Allen Circuit Court not more than sixty (60) days after the day on which the order is entered.
- (6) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, then no applications shall be accepted, nor shall any permit be issued, for that real estate until the all of the unpaid civil penalties have been paid in full.
- (7) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, the **Zoning Administrator** may record with the Allen **County Recorder** a notice of the unpaid civil penalty, which notice of civil penalty shall constitute a lien against the real estate.
- (8) The administrative enforcement proceedings under this §157/505(F) shall be cumulative, and not exclusive, and shall be in addition to any other enforcement remedies provided by this ordinance or law.

(G) Right of Entry

The **Zoning Administrator** may enter upon any **lot** with the approval of the property **owner** at any reasonable time to make inspections of all **buildings, structures, uses, or lot** located with the jurisdiction of this ordinance to determine compliance with the provisions of this ordinance. All inspection shall be subject to the following standards and **conditions**:

- (1) The **Zoning Administrator** shall furnish to the **owner**, tenant or occupant of the **building, structure or lot** sought to be inspected, sufficient identification and information to demonstrate that the **person** is a representative of the **Commission** and the purpose of the inspection.
- (2) The **Zoning Administrator** may apply to any court of competent jurisdiction for legal process for the purpose of securing entry to any **building, structure, or lot** if the **owner**, tenant or occupant refuses to grant entry.

(H) Action to Bring Compliance; Expenses as a Lien against Property

The **Zoning Administrator** shall be entitled to enforce the provisions of this ordinance under I.C. § 36-1-6-2, including but not limited to providing a notice of the **violation**, entering upon the property to take appropriate action to bring the property into compliance with this ordinance, assessing the expenses incurred in bringing the property into compliance, and filing and recording a lien against the property. The provisions of I.C. § 36-1-6-2, as amended, are incorporated herein by reference.

FORT WAYNE ZONING ORDINANCE

[this page intentionally left blank]

FORT WAYNE ZONING ORDINANCE

§ 157.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

(A) Rules of Usage

- (1) Words used in the present tense shall also include the future tense.
- (2) The singular shall include the plural: and the plural shall include the singular.
- (3) The word "shall" is mandatory; the words "may" or "should" are permissive.
- (4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

(B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

Accessory Building

A **building detached** from a **primary building or structure** and customarily used with, and clearly incidental and subordinate to, the **primary building, structure, or use**, and ordinarily located on the same **lot** with that **primary building, structure, or use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** is intended to be subordinate to a primary single **family residential structure**. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

Accessory Structure, Nonresidential

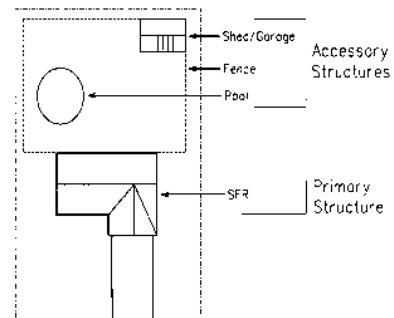
A **structure** or combination of **structures** that:

- (1) Are located on the same **lot, tract, or development site** as the primary **nonresidential building or use**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**; and
- (3) Are subordinate to and serving a **primary building or use**.

Accessory Structure, Residential

A **structure** or combination of **structures** that:

- (1) Are located on the same **lot, tract, or development site** as the primary **residential building**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**;
- (3) Are subordinate to and serving a **primary building or use**; and
- (4) Contribute to the comfort, convenience or necessity of the occupants in the **primary building or use**.



Accessory and Primary Structures

FORT WAYNE ZONING ORDINANCE

Accessory Use

A **use** that:

- (1) Is located on the same **lot, tract, or development site** as the **primary building or use**;
- (2) Is clearly incidental to and customarily found in connection with a **primary building or use** (including **public utility**, communication, electric, gas, water and sewer lines, their supports and incidental equipment);
- (3) Is subordinate to and serves a **primary building or use**; and
- (4) Contributes to the convenience or necessity of the occupants of the **primary building or use**.

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Addition

Any construction that involves an extension or increase in the square footage, size, or height of an existing **building or structure**.

Adjacent

Two or more **lots** whose external boundaries adjoin one another. For the purposes of the landscape and **yard** requirement **standards**, **lots** shall also be considered **adjacent** if separated by a strip of land of less than 25 feet in width, or a **street right-of-way** of 60 feet or less. For the purposes of the **floodplain** regulations, **adjacent** shall mean “adjoining”.

Administrative Manual

That manual adopted or amended from time to time by the **Plan Commission** containing information on the **use** or interpretation of this ordinance or **uses, development**, or procedures described in this ordinance, which may include but shall not be limited to application forms and requirements and formats for submission; flowcharts of procedures; public notice requirements; interpretations of terms; and rules of procedure for the **Plan Commission** or **Board of Zoning Appeals**.

Adult Bookstore, Adult Novelty Store, Adult Video Store

A commercial establishment that has thirty-five percent (35%) or more items of its stock-in-trade, including inventory and/or displayed items, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations that are characterized by their emphasis upon the exhibition or description of **specified sexual activities** or **specified anatomical areas**; or
- (2) Instruments, devices, or paraphernalia that are designed for **use** or marketed primarily for stimulation of human genital organs or for sadomasochistic **use**.

Adult Cabaret

A **nightclub, bar, restaurant, theater** or other establishment, whether or not alcoholic beverages are served, which displays:

- (1) **Persons** who appear nude or semi-nude,
- (2) Live performances which are characterized by the exposure of **specified anatomical areas** or by **specified sexual activities**, or

FORT WAYNE ZONING ORDINANCE

- (3) Films, motion pictures, video cassettes, compact disc, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of **specified sexual activities** or **specified anatomical areas**.

Adult Care Center

A **building**, other than the operator's primary place of residence, where adults receive **day care** from a provider:

- (1) While unattended by a relative, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

It is intended that **adult care centers** be classified as commercial **uses**, and be located in commercial **zoning districts**.

Adult Care Home

A residential **structure**, which is the primary residence of the adult care provider, in which more than six (6) but less than twelve (12) adults not related to the provider receive **day care** for regular compensation.

Adult Entertainment Establishment

Any establishment having as a substantial or **significant** portion of its business the offering of adult entertainment including **adult book stores**, **adult motion picture theaters**, adult mini motion picture **theaters**, adult massage parlors, adult **theaters**, adult artist-body painting **studios**, adult modeling **studios**, adult sexual encounter centers, **adult cabaret**, adult **nightclubs** and all other similar adult entertainment **uses**.

Adult Motion Picture Theater

An enclosed **building** used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**.

Adult Night Club

A **nightclub** devoted to adult entertainment, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or, a **nightclub** that features topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers for observation by patrons.

Agricultural Building or Structure

A **building** or **structure** designed primarily for agricultural purposes in which the majority of the **structure** is used for the **storage** or propagation of crops and/or materials used in the preparation of crops, or for **storage**, protection and maintenance of farm machinery and equipment, or for the housing or preparation of **domestic farm animals** for marketing, all primarily for the **use** of the **owner** or occupant.

Agricultural Livestock Operation, High Intensity

An agricultural operation where the number of animals exceeds the maximum permitted as part of a "**low intensity livestock operation**". New high intensity **agricultural livestock operations** shall not be permitted within the **City** of Fort Wayne.

FORT WAYNE ZONING ORDINANCE

Agricultural Livestock Operation, Low Intensity

An agricultural operation of at least two (2) acres in size where **domestic farm animals**, excluding swine, are kept for **use** as part of an **agricultural use** or raised for sale. The maximum numbers of animals that shall be permitted per acre as part of the operation shall be as follows:

NUMBER AND TYPE OF LIVESTOCK PERMITTED PER ACRE	
Type of livestock	Number permitted (per acre)
Beef or dairy cow	2
Veal calf	6
Sheep	10
Horse	2
Turkeys, ducks, geese, and or laying hens	100
Limits for livestock not specifically noted shall be determined by the Zoning Administrator	

Agricultural Livestock Operation

An agricultural operation where **domestic farm animals** are kept for **use** as part of a farm or raised for sale.

Agricultural Use

The primary or **accessory use** of a **tract** of land for normal agricultural activities, including farming and dairy farming, pasturage, agriculture, **apiculture**, horticulture, floriculture, viticulture, and **domestic farm animal** husbandry, and the necessary **accessory building, structures, and uses** for packing, treating, or storing the produce.

Agronomic Crop Production

The **use** of a **tract** of land of at least ten (10) acres in size for field crop production, excluding horticultural/specialty crops.

Airport Authority (see **Airport Overlay District definitions**)

Aircraft Overflight Area (see **Airport Overlay District definitions**)

Airpot (see **Airport Overlay District definitions**)

Airport Authority (see **Airport Overlay District definitions**)

Airport Master Plan (see **Airport Overlay District definitions**)

Airport Operational Area (AOA) (see **Airport Overlay District definitions**)

Airport Overlay Districts (AOD) (see **Airport Overlay District definitions**)

FORT WAYNE ZONING ORDINANCE

Airport Overlay District Definitions

- **Aircraft Overflight Area**

An area that includes any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

- **Airport**

The Fort Wayne International **Airport** and Smith Field **Airport**, including areas used or intended to be used for the landing and take-off of aircraft, and any appurtenant **airport** facility **buildings, structures, or uses**.

- **Airport Authority**

The Fort Wayne-Allen **County Airport Authority**. The **Airport Authority** is the governing body of Fort Wayne International **Airport** and Smith Field **Airport**.

- **Airport Master Plan**

The Fort Wayne International **Airport** and Smith Field Master Plan Reports.

- **Airport Operational Area (AOA)**

Any area of an **airport** used or intended to be used for landing, take-off, or surface maneuvering of aircraft. An **AOA** includes paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its **runways**, taxiways, or apron.

- **Airport Overlay Areas**

An area intended to place additional land **use conditions** on land impacted by the **airport** while retaining the existing underlying zone. The **FAR Part 77 Surfaces** and **Runway Protections Zones (RPZs)** comprise six **Airport Overlay Areas**. The six specific areas create a comprehensive area focused on maintaining compatible land **use** around each airport.

AREA 1 (Inner Safety Area)

Area 1 includes the area of all **airport runways**, the area off the end of each **runway** (including the **RPZs**) and the area within each **runway** approach, out to the inner edge of the **Conical Surface**.

AREA 2 (Horizontal Area)

Area 2 encompasses the area outside of Area 1, out to the inner edge of the **Conical Surface**. This area closely reflects the **Horizontal Surface** of the Part 77 Surfaces.

AREA 3 (Outer Conical Area)

Area 3 includes the area between the outer edge of Area 2 and the three (3) mile **buffer** (for FWA) or the two (2) mile **buffer** (for SMD), not including the Outer Approach Area (Area 4). This area includes the **Conical Surface** of the Part 77 Surfaces.

AREA 4 (Outer Approach Area)

Area 4 encompasses the areas within each **airport** approach, out to the six (6) mile **buffer** (for FWA) or to the two (2) mile **buffer** (for SMD). It begins at the inner edge of the **conical surface** and extends to the respective **buffers**.

FORT WAYNE ZONING ORDINANCE

AREA 5 (Extended Conical Area)

Area 5 applies only to the FWA **AOD**. This area includes the area between the three (3) mile **buffer** and the six (6) mile **buffer**, outside of the Outer Approach Area (Area 4).

AREA 6 (Extended Approach Area)

Area 6 applies only to the FWA **AOD**. This area includes the outermost area of the **runway** approaches, out to the ten (10) mile **buffer**, beginning at the six (6) mile **buffer**, based upon the **FAR Part 77 Approach Surfaces**.

- **Airport Overlay Districts (AOD)**

A **zoning district** that establishes **use** and **development standards** in areas of special concern in the vicinity of Fort Wayne International **Airport** and Smith Field **Airport**, in addition to the **standards** applicable to the underlying **zoning districts** in those areas.

- **Airspace**

The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

- **Approach Slopes (FAR Part 77)**

The ratios of horizontal to vertical distance that indicate the degree of inclination of the **approach surface**. The various ratios include:

- (1) 20:1 – for all utility and visual **runways** extended from the **primary surface** a distance of five thousand (5,000) feet.
- (2) 34:1 – for all non-precision instrument **runways** extended from the **primary surface** for a distance of ten thousand (10,000) feet.
- (3) 50:1/40:1 – for all precision instrument **runways** extended from the **primary surface** for a distance of 10,000 feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.

- **Approach Surface**

A surface that is longitudinally centered on the extended **runway** centerline and extends outward and upward from the end of the **primary surface** at the same slope as the approach zone height limitation slope set forth in this ordinance. In plan view, the perimeters of the **approach surface** and approach zone coincide.

- **Buffer (Airport)**

An area within the **Airport Overlay Areas** where aircraft are commonly operating for purposes of landing and take-off. The **buffers** establish land **use** restrictions to enhance the protection of people and property on the ground while considering the influences of the surrounding community.

- **FAA FAR Part 77 Surfaces**

Areas established in relation to the **airport** and to each **runway** consistent with **FAR Part 77**; any **object** which extends above these surfaces is an **obstruction**.

- (1) **Approach surface**

A surface longitudinally centered on the extended **runway** centerline which extends outward and upward from the end of the **runway primary surface**. The approach slope of a **runway** is a ratio

FORT WAYNE ZONING ORDINANCE

of 20:1, 34:1, or 50:1, depending on the approach type. The length of the **approach surface** depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.

(2) **Conical surface**

A surface which extends upward and outward from the periphery of the **horizontal surface** at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.

(3) **Horizontal surface**

A plane located one hundred fifty (150) feet above the established **airport** elevation, encompassing an area from the **transitional surface** to the **conical surface**. The perimeter is constructed by generating arcs from the center of each end of the **primary surface** and connecting the **adjacent** arcs by lines tangent to those arcs.

(4) **Transitional surface**

A surface which extends outward and upward at right angles to the **runway** centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the **primary** and **approach surfaces**. The **transitional surfaces** extend to the point at which they intercept the **horizontal surface** at a height of one hundred fifty (150) feet above the established **airport** elevation.

- **Federal Aviation Administration (FAA)**

A federal agency charged to regulate air commerce in order to promote its safety and **development**; encourage and develop civil aviation, air traffic control, air navigation; and promote the **development** of national system of airports.

- **Federal Aviation Regulations (FAR)**

Regulations established and administered by the **FAA** that govern civil aviation and aviation-related activities.

(1) **FAR Part 36 (FAA FAR Sec. 36.1)**; establishes noise **standards** for the civil aviation fleet.

(2) **FAR Part 91 (FAA FAR Sec. 91.1)**; pertains to air traffic and general operating rules, including operating noise limits.

(3) **FAR Part 150 (FAA FAR Sec. 150.1)**; pertains to **airport** noise compatibility planning.

(4) **FAR Part 161 (FAA FAR Sec. 161.1)**; pertains to notice and approval of **airport** noise and access restrictions.

(5) **FAR Part 77 (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace**; Part 77(a) establishes **standards** to determine **obstructions in navigable airspace**; (b) defines the requirements for notice to the **FAA** Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of **obstructions** to air navigation to determine their effect on the safe and efficient **use of airspace**; (d) provides for public hearing on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

- **Growth**

For purposes of regulating potential hazards to aviation, any **object of natural growth** that includes trees, shrubs, or foliage.

FORT WAYNE ZONING ORDINANCE

- **Hazard Lighting and Marking**

Installation of appropriate lighting fixtures, painted markings, or other devices to **objects** or **structures** that constitute hazards to air navigation.

- **Imaginary Surface (FAA FAR Part 77.25)**

Areas established in relation to the **airport** and to each **runway** consistent with **FAR Part 77**; any **object** that extends above these surfaces is an **obstruction**.

- (1) **Approach surface**

A surface longitudinally centered on the extended **runway** centerline that extends outward and upward from the end of the **runway primary surface**. The approach slope of a **runway** is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the **approach surface** depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.

- (2) **Conical surface**

A surface that extends upward and outward from the periphery of the **horizontal surface** at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.

- (3) **Horizontal surface**

A plane located one hundred fifty (150) feet above the established **airport** elevation, encompassing an area from the **transitional surface** to the **conical surface**. The perimeter is constructed by generating arcs from the center of each end of the **primary surface** and connecting the **adjacent** arcs by lines tangent to those arcs.

- (4) **Transitional surface**

A surface that extends outward and upward at right angles to the **runway** centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the **primary** and **approach surfaces**. The **transitional surfaces** extend to the point at which they intercept the **horizontal surface** at a height of one hundred fifty (150) feet above the established **airport** elevation.

- **Instrument Landing Procedure**

A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which visual landing may be made.

- **Navigation Aids (NAVAID)**

Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

- **Navigable Airspace**

The **airspace** above minimum altitude for safe flight that includes the **airspace** needed to ensure safety in the landing or taking off of aircraft.

- **Noise Impact**

A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

FORT WAYNE ZONING ORDINANCE

- **Object**

For purposes of **airport** safety regulations, this includes **buildings**, equipment, **natural growth**, **NAVAIDS**, people, **structures**, terrain, vehicles, and parked aircraft.

- **Objects of Natural Growth**

A deciduous or evergreen bush, shrub, tree, or other woody plant. This definition shall not include farm crops that are cut at least once a year.

- **Obstruction**

For purposes of **airport** safety regulations, any **buildings**, **structure**, **object of natural growth**, or other **object**, including a mobile **object**, that exceeds a limiting height specific to its geographic location relative to the **airport** or **runway**.

- **Primary Surface**

A surface longitudinally centered on a **runway**. When the **runway** has a specially prepared hard surface, the **primary surface** extends two hundred (200) feet beyond each end of that **runway**; for military **runways** or when the **runway** has no specially prepared hard surface, or planned hard surface, the **primary surface** ends at each end of the **runway**. The width of the **primary surface** is set forth in **FAR Part 77**. The elevation of any point on the **primary surface** is the same as the elevation of the nearest point on the **runway** centerline.

- **Runway**

A portion of the **airport** having a surface specifically developed and maintained for the landing and taking off of aircraft.

- **Runway Protection Zone (RPZ)**

An area off the **runway** end designed to enhance the protection of people and property on the ground.

- **Utility Runway**

A **runway** constructed for and intended to be used by propeller driven aircraft of up to twelve thousand five hundred (12,500) pounds gross weight.

- **Wildlife Attractants**

For purposes of **airport** safety regulations, any land **use** practice, man-made or natural geographic feature, or man-made **structure** that may attract or sustain hazardous wildlife within the landing or departure **airspace** or the air operations area of an airport. Attractants shall include, but not be limited to agricultural or aquaculture activities, architectural features, **landscape elements**, ponds or similar water features, surface mining, waste disposal sites, wastewater treatment facilities, or **wetlands**.

FORT WAYNE ZONING ORDINANCE

Airspace (see **Airport Overlay District definitions**)

Airstrip (Private)

An area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling other aircraft.

Alley

Right-of-way other than a **street**, road, crosswalk or **easement** designed for the special accommodation of the property it reaches, usually as an access to the rear or side of **lots**.

Amortization

The process of discontinuing nonconforming land **uses**.

Animal Hospital

A medical facility for the treatment of animals that is operated by, or in which the treatment is under the direct supervision of a veterinarian licensed to practice by the State of Indiana. A veterinarian **clinic** shall also be considered an **animal hospital**.

Animal Keeping (Small)

The keeping of small animals, excluding domestic pets (such as cats and dogs) and larger livestock animals (such as cows, chickens, goats, horses, and pigs), for either 4H or other **school**/educational purposes, on a single **family** residential property.

Animal Kennel

An establishment where dogs or cats are temporarily boarded for a **fee**. The term shall also include the keeping of more than five dogs, more than seven cats, or more than seven dogs and cats

Animal Service

Uses related to the provision of medical services, treatment, boarding, and other similar services to animals, including animal grooming, **animal hospitals**, **animal kennels**, animal obedience schools, and **veterinary clinics**

Antique Shop

An establishment that sells items such as furniture, household wares and decorations, and related articles, that have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Apiculture

The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

Apparel and Accessory Store

A retail store selling clothing and related items.

Apparel Fabrication and Processing

An establishment used for the production and processing of clothing and other apparel.

Approach Slopes (see **Airport Overlay District definitions**)

Approach Surface (see **Airport Overlay District definitions**)

FORT WAYNE ZONING ORDINANCE

Arbor

A shade **structure** often covered with shrubs, vines, or branches.

Arcade

A place, **lot**, establishment or room set aside in a retail or commercial establishment in which coin operated amusement devices are located. For purposes of this definition, an amusement device is a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a **fee** is charged. The term does not include vending machines that do not incorporate gaming or amusement features, nor coin operated mechanical music devices, nor mechanical motion picture devices.

Arena

An enclosed **building** with tiers of seats around a sports field, playing court or public exhibition area. **Arenas** are typically used for sports, entertainment and other public gathering purposes, such as athletic events, concerts, conferences, conventions, and circuses.

Arterial, Principal

A **street** designated as such on the Northeastern Indiana Regional Coordinating Council Functional Classification System map for Allen **County**, Indiana, as may be amended or updated.

Arterial Street (see “Street, Arterial”)

Art Gallery

A room or series of rooms where works of art are exhibited for display or sale.

Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive **instruction** on a more than incidental basis or to sit for photographic portraits. The sales of art produced on the **lot** shall be permitted as an **accessory use**.

Asphalt Plant

A facility that specializes in the mixing of or other related activities required for the production of asphalt.

Assembly Facility

A facility used for the general assembly or sub-assemblies of materials including agricultural implements, aircraft, appliances, **automobiles**, bicycles, boats, electronics, **manufactured homes**, motorcycles, motors, **recreational vehicles**.

Assembly of Finished Products Facility

An enclosed **building** where goods and products are assembled from preassembled or manufactured parts, including computers, electronics, and other similar products.

Assisted Living Facility

A residential establishment or institution other than a **hospital** or **nursing home** that provides living accommodations and medical services primarily to individuals 55 years of age or over and to individuals who, due to illness or disability, require care similar to that provided to **persons** who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

FORT WAYNE ZONING ORDINANCE

Athletic Fields

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed fields, **arena**/stadiums, and appropriate support facilities.

Auction Hall

A place where objects of art, furniture, and other goods, not including **automobiles**, motorcycles, watercraft, and trucks are offered for sale to **persons** who bid on the object in competition with each other.

Automatic Teller Machine

A mechanized device that provides **banking** and other electronic services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

Automobile

A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

Automobile Body Shop

A facility that provides painting and collision repair services, including body frame straightening or alignment, disassembly or replacement of damaged body parts, complete body painting services, welding services, complete wreck rebuilding, and frame repair services.

Automobile Detailing/Trim Shop

A facility that provides automotive-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as auto alarms, headlight covers, spoilers, sunroofs, tinting, and similar items. However, engine degreasing or similar **automobile** cleaning services shall not be included under this definition.

Automobile Maintenance (Quick Service)

A facility that provides engine tune-ups and servicing of brakes, air conditioning, exhaust systems, oil change or lubrication; wheel alignment or balancing; or similar servicing, rebuilding or repairs that normally do not require **significant** disassembly of **automobiles**, or overnight **storage** of **automobiles**.

Automobile Maintenance or Repair

For purposes of parking requirements, this category includes **automobile repair**, detail, body **shop**, or similar use, **automobile maintenance (quick service)**, and car wash (full and self service).

Automobile Rental

Rental of **automobiles** and light trucks (1 ton or less) only, including **storage**, detailing, and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

Automobile Repair

A facility that provides general **automobile** service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **automobiles** or trailers. This definition shall not include any services provided under the definition of “**automobile body shop**”.

FORT WAYNE ZONING ORDINANCE

Automobile Sales

A **lot, tract, or development site** where the **primary use** is the sale of two or more new or used **automobiles**. All **automobiles** offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a **primary structure**.

Automobile Service, General

Uses related to the **maintenance or repair** of **automobiles** which are more intensive than those **uses** permitted as Limited **Automobile Services**, and similar automotive-related **uses**, including **automobile auctions, automobile body shops, automobile detailing or trim shops, automobile maintenance** (quick service), **automobile rental** (outdoor), **automobile repair, automobile restoration, automobile rustproofing/undercoating, automobile sales** (outdoor), **automobile washing facility, gas station, taxi service, tire sales, towing service, truck fueling station, and truck stop**.

Automobile Service, Limited

Uses related to the minor **maintenance or repair** of **automobiles**, and similar automotive-related **uses**, including **automobile accessory store; automobile rental** (indoor only), and **automobile sales** (indoor only)

Automobile Washing Facility (Full or Self Service)

A facility for the cleaning of **automobiles** or other **motor vehicles**, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

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**.

Bakery (Wholesale)

A facility that makes **bakery** and related items on-site and may sell these items directly at the facility provided that any sales are secondary and incidental to the primary operation of producing baked goods.

Bank

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and drive through facilities. (See also “**Credit Union**” and “**Savings and Loan Association**”)

Bar

An eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary. A **bar/tavern** may include the provision of live entertainment and/or dancing; however, a **bar/tavern** shall not include any adult business **use**.

Barber Shop

A **personal services** establishment where hair is cut and other similar services are provided.

Base Flood Elevation (BFE) (see Floodplain Management Definitions)

FORT WAYNE ZONING ORDINANCE

Beauty Shop

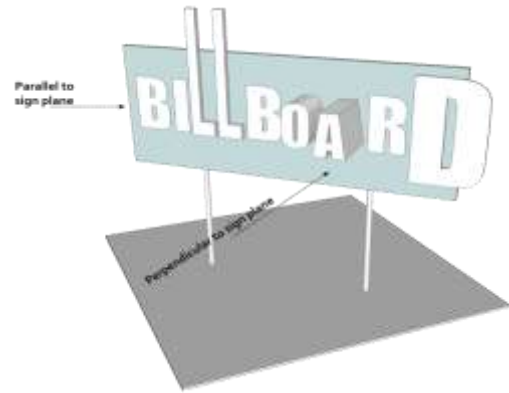
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the **lot**.

Billboard Embellishment

A portion of a billboard that extends vertically or horizontally from the surface area of the billboard (generally a rectangle) when viewed perpendicular to the **sign** plane, or that extends outward from the surface of the **sign** when viewed parallel to the **sign** plane, to accommodate extensions of words or images on the primary **sign area**.



Block

Property abutting on one side of a **street** and lying between the two (2) nearest intersecting or intercepting **streets**, or nearest intersecting or intercepting **street** and railroad **right-of-way** or waterway or the end of a dead end **street**.

Board

The Fort Wayne **Board of Zoning Appeals**. This term shall not include the Allen **County Board of Commissioners** or the Fort Wayne **Board of Public Works**.

Boarding House

A **residential building** or portion of a **residential building** containing rooms for accommodating, for compensation, three or more **persons** who are not transients. Lodging may or may not include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters or rooms, with or without individual bathrooms, but shall not include individual cooking facilities.

Board of Public Works

The Fort Wayne **Board of Public Works**.

Board of Zoning Appeals (see “Board”)

Bond

Any form of security, including cash, surety **bond**, or financial instrument of credit, as approved by the appropriate agency, for the purpose of guaranteeing that improvements will be made in a **subdivision** according to the **standards** as adopted by the **Plan Commission**.

Bottling Facility

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This **use** may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

FORT WAYNE ZONING ORDINANCE

Brewery

A facility that brews ales, beers, meads and/or similar beverages on site.

Brewery (Micro)

An establishment where ale, beer, and/or similar beverages are brewed, typically in conjunction with a **bar, tavern or restaurant use**. Annual production shall be limited to up to 15,000 barrels per year.

Buffer (Airport) (see Airport Overlay District definitions)

Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport, deck, gazebo, and open porch** shall not be considered **buildings**.

Building, Detached

A **building** having no structural connection with another **building**.

Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A **mixed use development** that contains both residential and **non-residential uses** is a **nonresidential building**. Any institutional **use**, other than a **small group residential facility**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital, university, religious institution, or school**, is a **nonresidential use**.

Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-tenant **buildings** shall also be permitted. In calculating the square footage of a residential **primary building**, all enclosed areas, including attics, basements, and attached **garages**, shall be included.

Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family, two family, or multiple family dwelling units**) or a **small group residential facility**.

Building, Semi-Detached

A main **building** having one **wall** in common with an **adjacent main building**.

Building Bay

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

Building Department

The Allen County **Building Department**.

FORT WAYNE ZONING ORDINANCE

Building Height

The vertical distance measured from the ground level immediately **adjacent** to the primary front entrance to the highest point of the roof or **structure**.

Building Line, Front

A line with a fixed location parallel to the front **street** line as determined by this ordinance or recorded deed restrictions, beyond which the foundation **wall** and/or any enclosed **porch**, vestibule, or other portion of a **building** shall not project. A **front building line** may be established by a **subdivision plat** or by the **zoning ordinance**.

Building Material Disposal Site

A **site** used for the purpose of disposing of **building** materials, including concrete, from a demolition **site** or **sites** without creating nuisances or hazards to public health, safety, or welfare.

Building Setbacks

Lines that are substantially parallel to the **lot lines** which define the minimum distances that **buildings** must be located from the **lot lines**. (See required **yards** in the **Zoning District Standards**.)

Building Surface

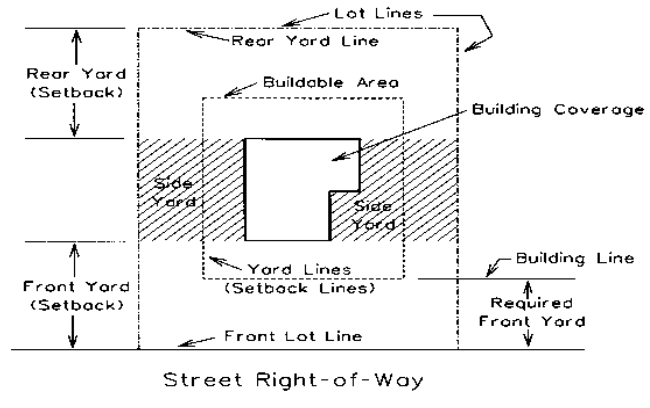
The total surface of a **building** face to which a **sign** is attached.

Business School

A secondary **school** for business **instruction** which is not publicly owned, or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; excluding **school** conducted as a commercial enterprise for teaching barber/beauty skills, dancing, industrial, music, or technical skills.

Business, Technology, and Industrial Park (BTI)

A **development** on a **tract** of land that contains a number of separate businesses, offices, technology and/or industrial **uses**, plus accessory and supporting **uses**, and common open space designed, planned, and constructed on an integrated and coordinated basis.



FORT WAYNE ZONING ORDINANCE

Camp Ground

Any area or **tract** of land used or rented for occupancy by campers using tents and/or **recreational vehicles** for periods not to exceed two weeks.

Campus Housing

For purposes of parking requirements, this category includes **campus housing** (off site), **dormitories** and **fraternity/sorority houses**, and other housing with the primary purpose of housing students of an educational or institutional campus.

Candelas

A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as **lumens**) per unit solid angle in a given direction.

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.

Carport

A **structure** or part of a **structure** used for the parking, **storage**, or keeping of vehicles by the **owner** or tenant of the **lot** as an **accessory use** to a permitted residential **use**, and that does not include a **wall** between the ground and the roof on at least one side that is not a vehicle entryway.

Cemetery (Private and Public)

Land used for burial of the dead and dedicated for related purposes, including crematories, offices and maintenance facilities, mausoleums and mortuaries when operated in conjunction with and within the boundaries of a **cemetery**.

Certificate of Compliance

A certificate issued by the **Zoning Administrator** stating that the occupancy and **use** of land or a **building** or **structure** referred to in the certificate complies with the provisions of this ordinance and any **conditions** of the **Improvement Location Permit** (if applicable).

Certificate of Occupancy

A certificate issued by the Allen **County Building Department** or successor agency, allowing the occupancy or **use** of a **building** and certifying that the **structure** or **use** has been constructed and will be used in compliance with the applicable codes and ordinances.

Certificate of Use

A certificate issued by the **Zoning Administrator** certifying that a proposed or existing **use** is a permitted **use** in the **zoning district** where the **use** is located.

Change of Use

Any **use** that is a **substantial change** from the previous **use** of a **building**, **structure**, or land.

FORT WAYNE ZONING ORDINANCE

Check Cashing

Any business that cashes checks, drafts, money orders, **traveler's** checks, or similar instruments, for a **fee**. This definition does not include: a **bank**, trust company, **savings and loan association**, **credit union**, **loan office**, or similar **use**; or a business that provides these services as an **accessory use** to a permitted **primary use**.

Child Care

A service that provides for the care, health, safety, supervision and/or guidance of a child's social, emotional, and educational growth, on a regular basis, in a place other than the child's own home. The following **uses** shall not be considered as **child care** under the terms of this ordinance:

- (1) A program for children operated by the department of **education** or a public or private **school**;
- (2) A nonresidential program that provides **child care** for less than four (4) hours a day;
- (3) A recreational program for children that operates for not more than ninety (90) days in a calendar year;
- (4) A program whose primary purpose is to provide social, recreational, or religious activity for **school** age children such as scouting, boys **club**, girls **club**, sports or the arts; and
- (5) **Child care** where the provider cares for fewer than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative.

Child Care Center

A **building**, other than the operator's primary place of residence, where children receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

Child Care Home

A residential **structure**, which is the primary residence of the **child care** provider, in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

This term includes a **Class I Child Care Home** and a **Class II Child Care Home**, which are defined as follows:

- (1) **Class I Child Care Home.** A **child care home** that serves up to twelve (12) children at any time. The children may be at the home on either a part-time or a full-time basis. The provider may employ an assistant as required by State law.
- (2) **Class II Child Care Home.** A **child care home** that serves more than twelve (12) but not more than sixteen (16) children at any time. The children may be at the home on either a part-time or full-time basis. The provider may employ an assistant as required by State law.

FORT WAYNE ZONING ORDINANCE

Child Care Ministry

Child care operated by a **church** or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

Church (see “Religious Institution”)

City

The **City** of Fort Wayne, Indiana.

City Planning Jurisdiction

The area within and/or **adjacent** to the corporate limits of the **City**, as shown on a map on file in the **Department of Planning Services**, or successor agency, over which the **Fort Wayne City Plan Commission** has authority.

Class I Child Care Home (see “Child Care Home”)

Class II Child Care Home (see “Child Care Home”)

Clinic

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the clinic. A **use** that meets the definition of “**Treatment Center**” shall not be considered to be a Clinic.

Clothing

Commercial **uses** related to the alterations, sales, and related sales or services for **clothing** and similar items, including **apparel and accessory store**, **clothing** store, consignment **shop**, costume and **clothing** rental, diaper service facility, **dry cleaning store**, furrier, **laundromat/coin operated laundry**, shoe store/shoe repair **shop**, and tailor/alterations service.

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws.

Clubhouse

A **building** that provides a meeting place for a **club** as a **primary use**.

Coffee Shop

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the **use** of patrons .

Collector Street (see “Street, Collector”)

Commercial Communication Tower

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding

FORT WAYNE ZONING ORDINANCE

those used exclusively for private radio and television **reception** and private citizen's bands, amateur radio and other similar private/residential communications.

Commission

The Fort Wayne **City Plan Commission**.

Commitment

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

Common Area

Real property and/or improvements on property, including, but not limited to, private storm drains, **streets**, sidewalks, utilities, parks, lakes and/or screening **walls**; open space; trails and/or **floodplain** management areas. **Common area** is typically shown on the face of a **subdivision plat** and is owned in **fee** by an **Owner's** Association for the common **use**, enjoyment, and benefit of the members of the Association.

Community Facility

Buildings, structures, or facilities owned, operated, or occupied by a non-profit, for-profit, or governmental entity to provide a service to the public, including broadcast **studio**, **correctional services facility**, **museum**, **neighborhood facility**, planetarium, public transportation or similar public facility, **radio station**, **television station**, or **zoo**.

Community Garden

A common property for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one **person** or **family**. If permitted in the **zoning district** in which it is located, a **community garden** may include **accessory structures**, along with water and other facilities.

Comprehensive Plan

A plan for the physical **development** of the community, prepared and adopted by the Allen **County Board** of Commissioners and the Fort Wayne Common Council, pursuant to the 500 Series of State law, including any part of that plan separately adopted, any amendments to the plan separately adopted, and any other documents incorporated by reference.

Concrete Plant

A facility that specializes in the mixing or other **manufacturing** related activities required for the production of concrete.

Conditions

Any terms of approval placed upon an application by the decision-making body.

Condominium

Real estate defined as a "**condominium**" under IC 32-25 (**Condominiums**).

Condominium Development

A project developed subject to and in accordance with IC 32-25 (**Condominiums**). This requires that undivided interests in the **common areas** and facilities be vested in the **condominium unit owners**.

FORT WAYNE ZONING ORDINANCE

Condominium Unit

An enclosed space occupying all or part of a floor or floors in a **structure**, together with the undivided interest in the common elements appertaining to that unit.

Confined Feeding

- (1) The **confined feeding** of animals for food, fur, or pleasure purposes in lots, pens, ponds, **sheds**, or **buildings** where:
 - (a) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
 - (b) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- (2) The term does not include the following:
 - (a) A livestock market:
 - (i) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - (ii) that is under state or federal supervision.
 - (b) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.
- (3) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Confined Feeding Operation (CFO)

- (1) Any **confined feeding** of
 - (a) at least three hundred (300) cattle,
 - (b) at least six hundred (600) swine or sheep;
 - (c) at least thirty thousand (30,000) fowl; or
 - (d) at least five hundred (500) horses: or
- (2) Any animal feeding operation electing to be subject to IC 13-18-10; or
- (3) Any animal feeding operation that is causing a **violation** of
 - (a) water pollution control laws;
 - (b) any rules of the water pollution control board; or
 - (c) IC 13-18-10.
- (4) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Construction Access Road

A temporary non-dedicated, unplatted **right-of-way**, other than a **street**, **alley** or **easement**, designed to provide sole ingress and egress for all **development** and construction equipment, as well as all laborers and material handlers, in connection with the improvement of a platted **subdivision** of land or a Development Plan, including but not limited to the construction of **dwellings**, **buildings** and other improvements, which **right-of way** is constructed and maintained by the **developer** and **owner** at either's sole expense or their cumulative expense

FORT WAYNE ZONING ORDINANCE

and continuously in the absolute ownership and/or exclusive control of the **developer** and **owner** until such time as ninety percent (90%) of the record **lots** or **parcels** have **dwelling**s completed for occupancy or other **building**s located thereon, unless a prior release has been approved by the **Plan Commission**.

Contingent Use

A **use** that could be permitted in any **zoning district** as set forth in § 157.503(C), subject to specific **standards** and **Board of Zoning Appeals** approval.

Convenience Store

A small retail establishment designed and stocked to sell primarily food, beverages, and other household supplies to customers.

Convent

A **structure** used for the purpose of housing **persons** on a permanent basis who are not members of a **family** and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms **convent** and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the **convent use** but only for the residents of the **convent**. A **convent** is a permitted **accessory use** where incidental to a religious assembly **use** (**church**, **synagogue**, **temple**, and **mosque**).

Convention Facility

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and **training** facilities. Office, retail, accommodations, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.

Conveyance (including the word “convey”)

The transfer of title to land from one **person** to another by deed.

Corner Lot (see “Lot, Corner”)

Corner Visibility Area

The following areas, in which no **fence**, **retaining wall**, **hedge**, or other planting, **building**, or **structure** that would impede vision between a height of three (3) and eight (8) feet shall be located, except that this restriction shall not apply to **buildings** in the DC **district**:

- (1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.
- (2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

Corporate Campus

A **building** or **buildings** in close proximity to each other, either **adjacent** or connected with centralized amenities, parking, support, and other internal functions. The **buildings** are intended to have quality architectural and site design features.

FORT WAYNE ZONING ORDINANCE

Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

Correctional Services Facility

A facility providing services other than confinement, including overnight confinement, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

County

Allen **County**, Indiana.

Country Club

An establishment typically associated with a **golf course** that is intended as a place of social and recreational gatherings for members of a **private club**.

Credit Union

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and drive through facilities.

Crematory

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

Critical Facility (see Floodplain Management Definitions)

Cumulative Effect (see Floodplain Management Definitions)

Customer Service Facility

A facility, other than a retail store, operated by a public or **private utility**, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Dance Hall

An enclosed **structure** used for dancing or similar social gatherings. Any **use** that falls under the definition of “**adult cabaret**” shall not be included under this definition.

Dance Studio

Any **school** of dancing or any place in which dancing of any type of style shall be taught.

Dating Service

Any business that offers to provide or does provide an introduction between two **persons** for a period of companionship for which service a **fee** is charged, levied, or otherwise imposed.

Day Care (see Day Care, Child)

Day Care, Adult (see Day Care, Child)

FORT WAYNE ZONING ORDINANCE

Day Care, Child

A service that provides for the care, health, safety, and supervision of an individual, not related to the provider, on a regular basis, in a residential **structure** other than the individual's own home, as an **accessory use** to a single **family** residence. The provision of **day care** shall be a permitted **use** in all **residential zoning districts** if the following **conditions** are met:

- (1) The home shall be the primary residence of the **day care** provider; and
- (2) Services shall be provided for fewer than six (6) adults or children not related to the provider; and
- (3) Care is provided for less than 24 hours per day.

Deck

An unroofed platform, either freestanding or attached to a **building**, which is supported by pillars or posts.

Department of Planning Services (DPS)

The department established jointly by, and providing planning and permitting services to, Allen **County** and the **City** of Fort Wayne, and any successor agency.

Department Store

An establishment primarily engaged in general merchandise retail **use** with no one merchandise line predominating. Merchandise lines are normally arranged in separate departments, with or without central customer checkout facilities.

Department of Health

The Fort Wayne-Allen **County Department of Health**.

Design Review Committee

A committee of the **Fort Wayne Plan Commission**, established to review and make recommendations on **Development** Plans, or take action on certain other **development** proposals, in the Fort Wayne DC and DE **zoning districts**, as further set forth in the **Commission's** rules.

Design Standards

A set of **standards** that are parameters for site and/or **building** design and **development**, adopted by the Fort Wayne **Plan Commission** in accordance with a **development** strategy or plan adopted by Fort Wayne Common Council. **Design standards** may include requirements and recommendations; required **design standards** shall also be adopted by Common Council as an amendment to this ordinance.

Developer

Any **person** who **subdivides** land or erects or alters **buildings** or improvements on land.

Development

Any change or improvement to land brought about by human activity.

Development Site

Land used or proposed to be used for **development**, consisting of either a single **lot** or multiple contiguous **lots**. The **Zoning Administrator** may also determine other property configurations to be a **development site**.

FORT WAYNE ZONING ORDINANCE

Developmental Disability

A severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);
- (2) Is manifested before the individual is 22 years of age;
- (3) Is likely to continue indefinitely;
- (4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
- (5) Results in substantial limitation in at least three of the following:
 - (a) self care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self-direction;
 - (f) capacity for independent living; and
 - (g) economic self-sufficiency.

Developmentally Disabled Individual

An individual who has a **developmental disability**.

Distillery

A facility where distilling, typically of alcoholic liquors, is done.

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand alone facility or in conjunction with a **brewery** or winery.

Distribution Facility

The intake of goods and merchandise, individually or in bulk, the short-term holding or **storage** of those goods or merchandise, and/or the breaking up into **lots** or **parcels** and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the **distribution facility** or to businesses and individuals unrelated to the distributor. The term "**Distribution Facility**" shall also include a transshipment facility for the temporary holding, **storage** and shipment of goods or vehicles.

District

A part, zone, or geographic area within the **planning jurisdiction** of the **City** of Fort Wayne, within which certain zoning and/or **development** regulations apply. Also referred to as a "**zoning district**".

Doctor Office

The private offices of physicians, dentists, or similar professionals, where **persons** are examined or treated on an outpatient basis only. **Laboratory** tests shall be permitted as an **accessory use**.

FORT WAYNE ZONING ORDINANCE

Domestic Farm Animal

Calves, cattle, emus, goats, horses, llamas, ostriches, poultry, sheep, and similar animals (pigeons shall not be considered to be **domestic farm animals**).

Dormitory

A **building** used as group living quarters for a student body or religious order as an **accessory use** for a college, university, boarding **school**, **convent**, monastery or other similar institutional **use**.

Double Frontage Lot

A **lot** having **frontage** on two separate parallel or approximately parallel dedicated **streets**. (Also known as a “**through lot**”.)

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 DC and DE **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.

Drive-Through Facility

Building or **structure** used to provide or dispense products or services, through an attendant, a **window** or an automated machine, to **persons** remaining in vehicles in a designated stacking aisle. A **drive-through facility** may be in combination with other **uses**, such as **banks**, **credit unions**, loan associations, automated teller machines (ATM's), dry cleaners, drug stores, pharmacies, **restaurants** or similar **uses**. A **drive-through facility** does not include a car wash, **automobile maintenance** facility (quick service), or **gas station**.

Driveway

An unobstructed paved or unpaved strip providing access to a vehicle **parking space**, loading space, or maneuvering facility.

Dry Cleaning Store

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

Dwelling

Any **building** that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the **use** of living, sleeping, cooking, and eating.

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more families living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Each **dwelling** shall have a minimum of 950 square feet of **gross floor area**, not including attached **garage**

FORT WAYNE ZONING ORDINANCE

space. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, and **recreational vehicles**, shall not be regarded as **single family dwellings**.

Dwelling, Single-Family (Attached)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit. Each **dwelling** shall have a minimum of 950 square feet of **gross floor area**, not including attached **garage** space

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, 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**.

Dwelling, Two Family

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 950 square feet of **gross floor area**, not including attached **garage** space

Dwelling Unit, Residential

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

Dwelling Unit, Efficiency

A **dwelling** unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

Dwelling, Zero Lot Line

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

FORT WAYNE ZONING ORDINANCE

Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

Easement, Roadway

A roadway, approved by the **Commission** over private property, that permits a specific and limited **use** of that thoroughfare to the grantee of the **easement**.

Easement, Utility and Service

A portion or strip of land that is part of a **lot** or **parcel** but that has been reserved for the specific purpose of utilities and related services.

Educational Institution

Public, parochial, or other post-secondary **school**, junior college, college or university, other than a **business school**; the **use** may also include recreational **uses**, living quarters, dining rooms, heating plants and other incidental facilities for students, teachers and employees.

Electronics

Commercial **uses** related to the sales, repair, and related services for consumer electronic equipment, including computer sales and service; computer software store; consumer **electronics** sales and service; and telephone sales and service.

Emergency Response Facility

A **building** used for police, fire, and/or medical equipment and personnel.

Emergency Shelter (see “Homeless Shelter”)

Employment Agency

An agency that specializes in matching individuals’ skill sets to particular jobs or finds jobs for unemployed individuals.

Engine Repair

A facility used for the assembly or repair of small engines or motors.

Engineer (see “Professional Engineer”)

Entertainment Facility

A facility that offers indoor or outdoor entertainment **uses**, including performing arts **theaters**, cinemas, concert venues, or circus/festivals, but does not include **adult entertainment establishment uses**.

Equipment Rental, General

The rental of supplies and large equipment primarily for intended for use by construction, general, landscaping, or industrial contractors, including, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

FORT WAYNE ZONING ORDINANCE

Equipment Rental, Limited

The rental of supplies and equipment primarily intended for homeowner **use** and minor residential gardening and construction projects, but not including car or truck rentals. All maintenance of equipment shall be conducted within an enclosed **building**. This **use** type does not include the rental, **storage**, or maintenance of large construction or other commercial heavy equipment.

Equipment Supply Facility

A facility that supplies equipment such as but not limited to air purification, electrical, electric wire & cable, fire protection, food service, HVAC, industrial, maintenance, mechanical, medical, power transmission, radio/communication, **restaurant**, telecommunication, trade show/exhibit, truck, water softening/purification, and welding equipment.

Exempt Division of Land

A division of a **parcel** of land into two or more **tracts** that qualifies as an **Exempt Division of Land** pursuant to §157.303(C)(2).

Exhibit Hall

An area or space either outside or within a **building** for the display of topic-specific goods or information.

Expressway - Freeway

Any **expressway - freeway** that operates at a high service level, consists of limited land access, carries region-wide traffic, and is generally classified as part of the interstate system.

Exterminator

An establishment that specializes in the eradication of household pests, weeds, or common household and/or **yard** nuisances and associated operations.

FAA FAR Par 77 Surfaces (see Airport Overlay District definitions)

Facade

A particular face of a **building**. 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 Renovation, Major

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 that 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.

Façade Renovation, Minor

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

FORT WAYNE ZONING ORDINANCE

Façade, Secondary

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

Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and **outdoor display**/staging areas.

Family

One or more **persons** occupying a single **dwelling** unit and living as a single housekeeping unit (as distinguished from a group occupying a **boarding house**, **club**, **hotel**, **nursing home**, rooming house, **fraternity** or **sorority house**, off-site **campus housing**, **residential facility** serving individuals under a court-ordered re-entry program, **residential facility for homeless individuals**, or similar living situation), where all the **persons** are related by blood, marriage or adoption. If all of the **persons** occupying a single **dwelling** unit are not related by blood, marriage, or adoption, then no more than eight (8) **persons** may occupy a single **dwelling** unit. If all of the members of a household are not related by blood, marriage, or adoption, then a **use** with more than eight (8) **persons** occupying a single **dwelling** unit shall not be considered a **single family use**.

Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Federal Aviation Administration (FAA) (see Airport Overlay District definitions)

Federal Aviation Regulations (FAR) (see Airport Overlay District definitions)

Fee

The charge for an application or other service as established by the **Fort Wayne Plan Commission** or other entities of Fort Wayne duly authorized to establish **fees**.

Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

FEMA (see Floodplain Management definitions)

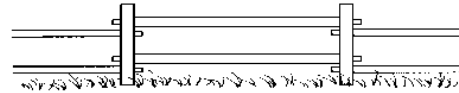
Fence

A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking **lot** wheel stops; and similar barriers/partitions that are less than 12 inches high.. The posts, concrete for the posts and attachment of the **fence** to the posts shall be contained within the **lot** where the **fence** is located. This definition shall include a **freestanding wall**.

FORT WAYNE ZONING ORDINANCE

Fence, Open

A **fence** that is less than 50% opaque when viewed perpendicularly to its vertical surface.



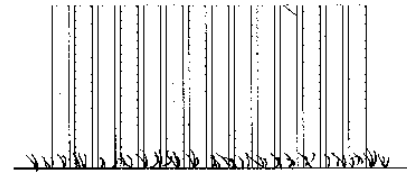
Open Fence

Fence, Ornamental

An **open fence** intended to partition or enclose a property or a portion of a property. **Ornamental fences** shall include, but not be limited to split rail, picket, wrought iron, and similar style **open fences**. Chain link fencing is not an ornamental fencing material.

Fence, Privacy

A **solid fence** erected or constructed to prevent views across the **fence** line.



Solid Fence

Fence, Solid

A **fence** that is at least 85% opaque when viewed perpendicularly to its vertical surface.

Fence or Wall Height

The height of a **fence** or **wall** shall be measured as the vertical distance between finished grade on the highest side of the **fence** or **wall** to the top of the **fence** or **wall**.

Fill

Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

Financial Planning Service

An establishment that provides services to help determine a **person's** or firm's financial needs or goals for the future and the means to achieve them by deciding what investments or activities would be most appropriate under both personal and broader economic circumstances.

FIRM (see Floodplain Management definitions)

Flood (see Floodplain Management definitions)

Flood or Floodwater (see Floodplain Management definitions)

Flood Insurance Rate Map (FIRM) (see Floodplain Management definitions)

Flood Insurance Study (FIS) (see Floodplain Management definitions)

Flood Profile, Regulatory (see Floodplain Management definitions)

Flood Prone Area (see "Flood") (see Floodplain Management definitions)

Flood Proof (see Floodplain Management definitions)

Flood Protection Grade (see Floodplain Management definitions)

Flood, Regulatory (see Floodplain Management definitions)

Flood Resistant Materials (see Floodplain Management definitions)

Floodplain (see Floodplain Management definitions)

Floodproofed Building (see Floodplain Management definitions)

Floodproofing (see Floodplain Management definitions)

Floodway (see Floodplain Management definitions)

Floodway Fringe (see Floodplain Management definitions)

FORT WAYNE ZONING ORDINANCE

Floodplain Management Definitions

- **Base Flood Elevation (BFE)**

The elevation of the **regulatory flood**

- **Building**

A **structure** having a roof supported by columns or **walls** designed, built or used for the enclosure, shelter or protection of **persons**, animals, chattels or property.

- **Critical Facility**

For the purpose of **flood** control regulations, any facility with the purpose of aiding and promoting the health, safety, and welfare of the community.

- **Cumulative Effect**

For the purpose of **flood** control regulations, the impact on the environment that results from the incremental impact of an action when added to other past and present actions. A **cumulative effect** can result from individually minor, but collectively **significant**, actions taking place over a period of time.

- **Development**

For purposes of **flood** control regulations, any change or improvement to land brought about by human activity including but not limited to:

- (1) Construction, reconstruction, or placement of a **building** or any **addition** to a **building**;
- (2) Installation of a **manufactured home** on a site, preparing a site for a **manufactured home**, or installing a **recreational vehicle** on a site for more than one-hundred-eighty (180) days, where permitted;
- (3) Installation of utilities, erection of **walls** and **fences**, construction of roads, or similar projects;
- (4) Construction of **flood** control **structures** such as levees, dikes, channel improvements, etc.;
- (5) Mining, dredging, filling, grading, excavation, or drilling operations;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) **Storage** of materials; or
- (8) Any other activity that might change the direction, height, velocity of **flood**, or surface waters.

"**Development**" does not include any authorized activity with respect to a regulated drain as defined in IC 36-9-27-2, as may be amended from time to time. Neither does this definition include activities such as maintenance of existing **structures** and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavating, or constructing permanent **structures**.

- **FEMA**

Federal Emergency Management Agency.

- **FIRM**

Flood Insurance Rate Map

FORT WAYNE ZONING ORDINANCE

- **Flood**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, unusual and rapid accumulation, or runoff of surface waters from any source.

- **Flood or Floodwater**

The water of any **river or stream** that is above the **bank** and/or outside the channel and **banks** of that **river or stream**.

- **Flood Insurance Rate Map (FIRM)**

The latest official map of a community on which special hazard areas (**floodplain**) and risk premium zones applicable to the community are delineated.

- **Flood Insurance Study (FIS)**

The official hydraulic and hydrologic report provided by **FEMA**. The report contains flood profiles, as well as the **FIRM**, **FBFM** (where applicable), and the water surface elevation of the base **flood**.

- **Flood Profile, Regulatory**

A longitudinal profile along the thread of a **stream** showing the maximum water surface elevations attained by the **regulatory flood**.

- **Flood Prone Area (see “Flood”)**

Any land area acknowledged by a community as being susceptible to inundation by water from any source.

- **Flood Proof**

Any combination of measures taken on a new or existing **structure** for reducing or eliminating **flood** damage.

- **Flood Protection Grade**

The elevation of the **regulatory flood** plus two feet at any given location in the **Special Flood Hazard Area (SFHA)**.

- **Flood, Regulatory**

That **flood** having a peak discharge that can be expected to be equaled or exceeded on the average of once in a one-hundred-year period, as calculated by a method of procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the **Federal Emergency Management Agency**. This **flood** is equivalent to a **flood** having a probability of occurrence of one percent in any given year.

- **Flood Resistant Materials**

Building or construction materials that are not subject to damage from exposure to or inundation by **floodwater**.

- **Floodplain**

The channel proper and the areas adjoining any **wetland**, lake or watercourse that have been or hereafter may be inundated by the **regulatory flood**. The **floodplain** includes both the **floodway** and the **floodway fringe**. For the purposes of this ordinance, the **floodplain** is the area covered by a

FORT WAYNE ZONING ORDINANCE

“**regulatory flood**”, as generally shown and delineated on the current **FEMA Flood Insurance Rate Map** for Allen **County** and Incorporated Areas. However, if a submitted topographic or topographic/utility survey indicates an area that by elevation would be subject to inundation by the **regulatory flood** that lies outside of the **floodplain** identified on the **Flood Insurance Rate Map**, the information on the survey shall govern and that area shall be considered a **special flood hazard area** and subject to the regulations of this ordinance.

- **Floodproofed Building**

A commercial or industrial **building** designed to exclude **floodwater** from the interior of that **building**. All **floodproofing** shall be adequate to withstand the **flood** depths, pressures, velocities, impact and uplift forces and other factors associated with the **regulatory flood**.

- **Floodproofing**

A combination of structural provisions, changes or adjustments to properties and **structures** subject to **flooding**, primarily for the reduction or elimination of **flood** damages to properties, water and sanitary sewer facilities, **structures** and contents of **buildings** in a **floodplain**. **Floodproofing** must be watertight below the **flood protection grade**.

- **Floodway**

The channel of a watercourse and those portions of the **floodplain** adjoining the channel that are required to carry and discharge **flood** water or **flood** flows of any **river or stream** including, but not limited to, **flood** flows associated with the **regulatory flood**.

- **Floodway Fringe**

That area outside of the **floodway** within the area of the **regulatory flood** that is inundated from **flood** flows of varying depths.

- **Freeboard**

A justifiable additional amount of height above the **regulatory flood profile**, which is intended to safely determine the **flood protection grade**.

- **Historic Structure**

Any **structure** that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered **historic district**; or
- (3) Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a **historic district**; or
- (4) Individually listed on the Indiana Register of **Historic Sites and Structures**; or
- (5) Located in an area designated as a local **historic district**; or
- (6) Individually listed on or designated as a contributing resource in a **historic district** listed in the Fort Wayne Cultural Resources Survey.

FORT WAYNE ZONING ORDINANCE

- **Irreversible**

For the purpose of **flood** control regulations, the adverse effect of actions that cannot be restored or mitigated within sixty (60) days for herbaceous plants or one-hundred-eighty (180) days for woody vegetation.

- **Letter of Map Amendment (LOMA)**

An amendment to the currently affective **FEMA** map that establishes that a **building, structure**, or property is not located in a **Special Flood Hazard Area**. A **Letter of Map Amendment** is only issued by the Federal Emergency Management Agency.

- **Letter of Map Change (LOMC)**

A term used to refer to the several types of revisions and amendments to **FEMA** maps that can be accomplished by letter. They include **Letter of Map Amendment (LOMA)**, **Letter of Map Revision (LOMR)**, and **Letter of Map Revision** based on **Fill (LOMR-F)**.

- **Letter of Map Revision (LOMR)**

An official revision to the currently effective Federal Emergency Management Agency map. It is issued by **FEMA** and can change **flood** zones, **floodplain** delineations, and **flood** elevations.

- **Lowest Floor**

The lowest of the following:

- (1) the top of the lowest level of the **structure**;
- (2) the top of the basement floor;
- (3) the top of the **garage** floor, if the **garage** is the lowest level of the **structure**;
- (4) the top of the first floor of a **structure** elevated on pilings or pillars;
- (5) the top of the floor level of any enclosure, other than a basement, below an elevated **structure** where the **walls** of the enclosure provide any resistance to the flow of **flood** waters unless:
 - (a) the **walls** are designed to automatically equalize the hydrostatic **flood** forces on the **walls** by allowing for the entry and exit of **flood** waters by providing a minimum of two openings (in addition to doorways and **windows**) in a minimum of two exterior **walls** having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - (b) such enclosed space shall be not be usable for living space or the parking of vehicles.

- **Manufactured Home**

A **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for **use** with or without a permanent foundation when attached to the required utilities. The term "**manufactured home**" shall not include a "**recreational vehicle**". The term shall include **Manufactured Home, Type II** and **Manufactured Home, Type III**.

FORT WAYNE ZONING ORDINANCE

- **Manufactured Home Park or Subdivision, Existing**

A **manufactured home park** or **subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of **streets**, and either final site grading or the pouring of concrete pads) is completed before March 30, 1985.

- **Manufactured Home Park or Subdivision, Expansion**

The preparation of additional sites by construction of facilities for servicing **lots** on which **manufactured homes** are to be affixed (including installation of utilities, construction of **streets**, and either final site grading or pouring of concrete pads).

- **Manufactured Home Park or Subdivision, New**

A **manufactured home park** or **subdivision** for which construction of facilities for servicing **lots** on which **manufactured homes** are to be affixed (including at a minimum, installation of utilities, construction of **streets**, and either final site grading or pouring of concrete pads) is completed on or after March 30, 1985.

- **Market Value**

The most probable price for which the appraised property (in this case just the **structure** in question) will sell in a competitive market under all **conditions** necessary to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest and assuming that neither is under duress.

- **New Construction**

For the purpose of determining insurance rates in connection with **flood** control regulations, **structures** for which the "**start of construction**" commenced on or after the effective date of the initial **Flood Insurance Rate Map** including any subsequent improvements to those **structures**. For **floodplain** management purposes, "**new construction**" means **structures** for which the "**start of construction**" commenced on or after the effective date of these **floodplain** management regulations, including any subsequent improvements to those **structures**.

- **Obstruction**

For the purpose of **flood** control regulations, a **structure**, **object** or other matter in, along, across or projecting into any channel, watercourse, **floodplain**, **river**, **stream**, or **flood** hazard area that may impede, retard or change the direction of flow of water.

- **Recreational Vehicle**

A vehicle that is built on a single chassis, four-hundred (400) square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for **use** as a permanent **dwelling**, but as temporary living quarters for recreational camping, **travel**, or seasonal **use**.

- **Regulatory Flood**

A **flood** having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. A **regulatory flood** is also known as a base **flood** and one-hundred (100) year **flood**.

FORT WAYNE ZONING ORDINANCE

- **Regulatory Flood Profile**

A longitudinal profile along the channel of a **stream** showing the maximum water surface elevations attained by the **regulatory flood**.

- **River or Stream**

All open channels, whether natural, man-made, or modified by man, which carry or discharge water.

- **Significant**

For the purpose of **floodplain** management regulations, any action that would increase the height of a **regulatory flood** by 0.1 feet.

- **Special Flood Hazard Area (SFHA)**

Those lands within the jurisdiction of Allen **County** or the **City** of Fort Wayne that are subject to inundation by the **regulatory flood**. The **Special Flood hazard areas** of Allen **County** or the **City** of Fort Wayne are generally identified as such on the **Flood Insurance Rate Maps** of Allen **County**, Indiana and Incorporated Areas prepared by the **Federal Emergency Management Agency** dated August 3, 2009 and any future revisions to those maps. However, if a submitted topographic or topographic/utility survey indicates an area that by elevation would be subject to inundation by the **regulatory flood** that lies outside of the **floodplain** identified on the **Flood Insurance Rate Map**, the information on the survey shall govern and that area shall be considered a **special flood hazard area** and subject to the regulations of this ordinance.

- **Start of Construction**

For the purpose of **floodplain** management regulations, the date a **building** permit was issued, provided the actual **start of construction**, repair, reconstruction, **rehabilitation**, **addition** placement, or other improvement was within sixty (60) days of the permit date. The actual start means either the first placement of permanent construction of a **structure** on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond excavation or **filling**; or placement of a **manufactured home** on a foundation. For a **substantial improvement**, the actual **start of construction** means the first alteration of any **wall**, ceiling, floor, or other actual part of a **building**, whether or not that alteration affects the external dimensions of the **building**.

- **Structure**

For the purposes of the **floodplain** management regulations, a **structure** or **building** that is principally above ground and is enclosed by **walls** and a roof. The term shall also include a gas or liquid **storage** tank, a **manufactured home**, or a prefabricated **building**. The term also includes **recreational vehicles** to be installed on a site for more than 180 days.

- **Substantial Damage**

For the purpose of **floodplain** management regulations, damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before-damaged condition would equal or exceed 50% of the **market value** of the **structure** before the damage occurred.

FORT WAYNE ZONING ORDINANCE

- **Substantial Improvement**

For the purpose of **floodplain** management regulations, any reconstruction, **rehabilitation**, **addition**, or other improvement of a **structure**, the cost of which equals or exceeds fifty (50%) of the **market value** of the **structure** before the “**start of construction**” of the improvement. This term includes **structures** that have incurred “**substantial damage**” regardless of the actual repair work performed. A **structure** may attain **substantial improvement** cumulatively over time. The term does not include:

- (1) Any project for improvement of a **structure** to correct existing **violations** of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living **conditions**; or
- (2) Any alteration of a “**historic structure**” provided that the alteration will not preclude the **structure's** continued designation as a “**historic structure**”.

- **Violation**

For purposes of **flood** control regulations, a **structure** or other **development** without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in **violation** until such time as that documentation is provided.

- **Watershed**

An area that drains to a single point, in a natural basin, this is the area contributing flow to a given place or **stream**.

- **Watershed, Immediate**

A sub-drainage area within a larger area that accumulates the storm water runoff within that area. For the purposes of this ordinance, an “**immediate watershed**” shall be based on the current applicable **Board of Works** or Stormwater Utility Storm Drainage Master Plan, and other relevant information including but not limited to topographical maps.

- **Zone A**

Shaded areas on the **Flood Insurance Rate Map** where no **base flood elevation** has been determined.

- **Zone AE**

Shaded areas on the **Flood Insurance Rate Map** where **base flood elevations** have been determined.

- **Zone AH**

Shaded areas on the **Flood Insurance Rate Map** depicting **flood** depths of one (1) to three (3) feet (usually areas of pond formation) and where **base flood elevations** have been determined.

- **Zone AO**

Shaded areas on the **Flood Insurance Rate Map** depicting **flood** depths of one (1) to three (3) feet (usually sheet flow on sloping terrain) where average depths have been determined. For areas of alluvial fan **flood**ing, velocities have also been determined.

FORT WAYNE ZONING ORDINANCE

Food and Beverage Service

Commercial **uses** related to the sales, preparation, and related services for food and/or beverage items for consumption on or off the **lot**, including: **bakery** goods; **bar** or **tavern**; caterer; **club** (private); **coffee shop**; confectionery, ice cream, or candy store; **convenience store**; delicatessen; **farmer's market** (including outdoor sales); fruit and/or vegetable store (indoor); **grocery store** or **supermarket**; meat or fish market; micro or mini-**brewery**/brewpub; package liquor store; **reception**/banquet hall (indoor); **restaurant**, including drive-through facilities; sandwich **shop**; and tea room.

Fraternity House

A **building**, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other **educational institution**.

Fraternal Organization

A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings and formal written membership requirements.

Freeboard (see Floodplain Management definitions)

Freight Service

Loading, unloading, packing or unpacking of freight, including handling services provided for freight in special containers or for non-containerized freight, services provided by a container freight terminal, or other freight terminal, for all modes of transport services incidental to freight.

Frontage

The length of the property line of any **parcel** along each **street** that it borders.

Full-Cutoff

For purposes of lighting **standards**, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

Funeral Home

A **building** used for the preparation of the deceased for burial, the display of the deceased and rituals connected therewith before burial or cremation. **Accessory uses** may include:

- (1) Embalming, cremation and the performance of other services used in preparation of the dead for burial;
- (2) The performance of autopsies and other similar surgical procedures;
- (3) The **storage** of caskets, funeral urns, and other related funeral supplies;
- (4) The **storage** of funeral vehicles; and
- (5) A funeral chapel.

Furniture Production

A facility that specializes in the assembly, fabrication or production of finished or unfinished furniture, store displays, cabinets, and related items.

FORT WAYNE ZONING ORDINANCE

Furniture Store

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

Garage (see “Garage, Residential”)

Garage, Residential

A detached **accessory structure** or portion of a **primary building** used for personal **storage**, the **storage** of **motor vehicles** and other similar accessory residential **uses**.

Garage Sale (see “Yard Sale”)

Garbage

Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

Garden Equipment Supply

An establishment that specializes in the retail of nursery plants or related items, which may include: plants that have been grown on the property or imported, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Gas Pump Embellishment

Letters, figures, characters or representatives in irregular forms that used as a supplement to permitted gas pump **signage**.

Gas Station

A facility where gas and other supplies for motorists are sold. Minor repair services such as lubrication, oil and tire changes may be provided, but major repairs such as vehicle bodywork or painting or repair of engines or drive trains may not be provided. A **gas station** may include a **convenience store**.

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.

Gazebo

A freestanding, roofed, usually open-sided **structure** providing seating or an area for gathering.

Glare

A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding **glare**, as defined in the Illuminating Engineering Society of North America’s current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Golf Course

A **tract** of land typically laid out for at least nine holes for playing the game of golf that may include a **clubhouse**, dining and snack **bars**, pro **shop**, and practice facilities.

FORT WAYNE ZONING ORDINANCE

Golf Course (Miniature)

A **recreational facility**, typically comprised of nine or 18 putting small greens, each with a “cup” or “hole,” where patrons in groups pay a **fee** to move in consecutive order from the first hole to the last.

Golf Driving Range

A **tract** of land devoted as a practice range for practicing golf shots.

Government Facility

An institution operated by a federal, state, **county**, town, township or **city** government, or by a special purpose **district**.

Greenhouse

An establishment, including a **building**, part of a **building** or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail and wholesale sales.

Grocery Store

A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This **use** may also include sales of personal convenience and small household goods.

Gross Floor Area

The total floor area of all stories of a **building** or **buildings**, measured by taking the outside dimensions of the **building** at each floor level intended for occupancy or **storage** (including basements), but not including any uncovered or unenclosed **porches**, **patios**, or **decks**.

Ground Floor Area

The **gross floor area** of a **building** exclusive of basements and floors above the ground floor.

Group Residential Facility (Large)

A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are developmentally disabled or **mentally ill**, or other similar **residential facility** if the facility houses more than eight (8) individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A large **group residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **group residential facility for mentally ill individuals**.

Group Residential Facility (Small)

A facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are developmentally disabled or **mentally ill** or any other **residential facility** that houses up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **residential facility for mentally ill individuals**.

Growth (see Airport Overlay District definitions)

FORT WAYNE ZONING ORDINANCE

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

Solid waste or a combination of **solid wastes** that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or increase in serious **irreversible** or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

This includes but is not limited to toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludge containing less than thirty (30) percent solids, pesticides, pesticide containers, raw animal manure, **onsite sewage system** tank pumping, and raw or digested sewage sludge.

Hazardous Waste Disposal Area

The outermost perimeter of the area within a **hazardous waste** disposal facility that is permitted to receive **hazardous waste** for disposal.

Hazardous Waste Treatment, Storage and/or Disposal Facility

A **solid waste** disposal facility designed to treat, store and/or dispose of **hazardous waste** regulated by 329 IAC 3.1 or any subsequent applicable revisions. The facility shall be constructed and operated in accordance with a permit issued by the appropriate government agency authorized by or under the Resource Conservation and Recovery Act (40 CFR 260 - 40 CFR 270, 42 U.S.C. 6901, et seq., and IC 13-7-8.5, as may be amended).

Health Care Facility

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Health Club

A non-medical service establishment intended to maintain or improve the physical condition of **persons** which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Hedge

A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

Heliport

An area either at ground level or elevated on a **structure**, licensed by the federal government or appropriate state agency and approved for the loading, landing, and takeoff of helicopters. This shall include accessory facilities and **uses** such as **public parking** areas, waiting rooms, fueling, and maintenance equipment or facilities.

Heliport (Private)

An area of land used for the landing and take-off of personal private helicopters, excluding discharging or receiving cargo, picking up passengers or fueling other aircraft or helicopters.

FORT WAYNE ZONING ORDINANCE

Historic District

Any site, **building, structure, object**, landscape (or collection of sites, **buildings, structures, objects**, or landscapes) which has obtained official historic status through local designation by the Fort Wayne Common Council.

Historic Site

Any site which has obtained official historic status through local, State, or National Register designation

Historic Structure (see Floodplain Management Definitions)

Holiday Decorations

Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

Home Business

An **accessory use** of a **dwelling** unit, or a **use** of a **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. A **home business** would typically be more intensive than a **home occupation**, due to factors such as outside employees working at the **dwelling** unit, clients or customers coming to the **dwelling** unit, or on-site retail sales. To allow for possible mixing of **uses** in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted. A **home business** shall be permitted in conjunction with a single **family** or **two family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. If conducted within the **dwelling** unit (**primary structure**), the gross square floor area used for the **home business** shall be less than 50% of the area of the **primary structure**. If conducted out of an **accessory structure**, the area used for the **home business** shall not exceed the square footage of the **primary structure**. Permitted **home businesses** shall include, but not be limited to, **professional offices, personal service uses** such as **barber shops** and beauty/nail salons, and teaching/tutoring/music lessons.

Home Enterprise

A **use** of a single **family** property, where business activities are conducted. **Home enterprises** are intended to permit higher intensity **uses**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home enterprises** may include assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding auto repair). A **home enterprise** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives. The **gross floor area** of the **home enterprise** shall not exceed eight thousand (8,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home enterprise**, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Home Improvement Store

A **retail facility** engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, lumber, paint and glass; house wares; household appliances; lawn supplies; garden supplies; and landscape materials. A home improvement center may also include separate enclosed areas devoted to the rental of light equipment used in conjunction with home improvement projects.

FORT WAYNE ZONING ORDINANCE

Home Occupation

An **accessory use** of a **dwelling** unit, or a **use** of an attached **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. Clients or customers shall not come to the home, and on-site retail sales shall not be permitted. No outside employees may be permitted. A **home occupation** shall be permitted in conjunction with a single **family**, two **family**, or **multiple family dwelling** unit where the business **owner** lives, and shall be operated entirely within a primary or attached **accessory structure**.

Home Workshop

A **use** of a single **family** property, where business activities are conducted. **Home workshops** are intended to permit **uses** which are more intensive than a **home business**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home workshops** may include limited assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding auto repair). A **home workshop** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. The **gross floor area** of the workshop shall not exceed two thousand (2,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home workshop**, clients or customers shall be permitted to come to the property, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Homeless/Emergency Shelter (see “Homeless Shelter”)

Homeless Shelter

A facility providing temporary housing to needy, homeless, or transient **persons** that may be an **accessory use** to a **religious institution** or other place of worship, and may also provide ancillary services such as counseling or vocational **training**.

Hospice Care Center

A facility providing in-patient care for individuals suffering from a terminal illness.

Hospital

An institution providing primary health services and medical or surgical care to **persons**, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, **training** facilities, medical offices, and staff residences.

Hotel

A **building** providing, for compensation, sleeping accommodations and customary lodging services where guests enter through a main lobby of the **building** to get to each rental unit. Related ancillary **uses** may include but shall not be limited to conference and meeting rooms, **restaurants**, **bars**, and **recreational facilities**. An extended stay **hotel** is included in this definition.

FORT WAYNE ZONING ORDINANCE

Imaginary Surface (FAA FAR Part 77.25) (see Airport Overlay District definitions)

Improvement Location Permit

A permit issued by the **Zoning Administrator** stating that the proposed erection, construction, enlargement or moving of the **building** or **structure** referred to in the permit application complies with the provisions of this ordinance.

Infrastructure

For the purposes of this ordinance, the community public works and facilities determined to be necessary in relation to proposed **development**, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and **street** lighting, storm drainage facilities, **street** facilities, traffic control facilities, and water facilities.

Instruction/Training/Education

An establishment, other than an elementary or junior high **school**, senior high **school**, or college/university, offering **instruction** or **training** in a trade, art, skill, or occupation, including art **instruction**, barber/beauty **school**, business **training**, computer **training**, craft **instruction**, dance **instruction**, driving **instruction**, **educational institution**, gymnastics **instruction**, martial arts **training**, medical **training**, music **instruction**, photography **training**, and yoga/Pilates **instruction**

Instrument Landing Procedure (see Airport Overlay District definitions)

Interior Lot (see “Lot, Interior”)

Irreversible (see Floodplain Management definitions)

Junk Material

Materials, including but not limited to the following:

- (1) **automobile** or machinery equipment or parts, including used **automobile** tires;
- (2) **building/infrastructure** construction materials;
- (3) cloth and clothing;
- (4) construction materials;
- (5) electronics or furniture;
- (6) **garbage, refuse, trash**, or debris;
- (7) manufactured clay and porcelain products;
- (8) manufactured plastic products;
- (9) manufactured rubber products;
- (10) paper and paper products;
- (11) recyclable products of all kinds;
- (12) scrap metal;
- (13) wood and wood products; and
- (14) wrecked and/or dismantled **automobiles** and machinery.

Junk Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for storing or selling **junk material**.

FORT WAYNE ZONING ORDINANCE

Laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**. This definition includes electronic and telecommunications laboratories, including assembly.

Land Surveyor

A surveyor who is licensed in compliance with the laws of the State of Indiana.

Landing Field, Private

A **landing field** used solely for the convenience of the **owner** or lessee of the property, utilizing a sod landing strip, having hangar facilities for not more than two (2) aircraft, with no commercial sales or service establishments located on the property, as an **accessory use** to a permitted **single family use**. A private **landing field** shall not be considered an **airstrip**.

Landscape Buffer

A landscaped area intended to separate and partially obstruct the view of two **adjacent** land **uses** or properties from one another.

Landscape Elements

Annual plants, benches, chairs, perennial plants, planters, shrubs, statuary, trees, **yard** ornaments, and similar elements.

Landscape Planting Area

An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

Landscape Screening

The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include **fences**, **walls**, **hedges**, mounding, or other features.

Large Satellite Dish (see “Satellite Dish, Large”)

Laundromat/Coin Operated Laundry

An establishment providing washing, drying, or dry-cleaning machines on the **lot** for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

Letter of Map Amendment (LOMA) (see Floodplain Management definitions)

Letter of Map Change (LOMC) (see Floodplain Management definitions)

Letter of Map Revision (LOMR) (see Floodplain Management definitions)

Library

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A **library** may also include meeting rooms, offices for **library** personnel, and similar support facilities.

FORT WAYNE ZONING ORDINANCE

Limited Assembly and Fabrication

Facilities used for the limited fabrication and assembly of products including bio-medical, orthopedic, communication and computation equipment, industrial controls, optical instruments, scientific and precision instruments, service industry machines and specialty equipment.

Limited Equipment Rental

The short-term leasing of tools, materials, and/or construction equipment, excluding equipment used for excavation, grading, or similar tasks or processes.

Live-Work Unit

A **dwelling** unit containing an integrated living and working space that is intended to function predominantly as business workspace with incidental residential **use** occupied by the business **owner** or operator. The unit typically has a store-front, with the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or the back of the unit if there is only one floor.

Loan Office

A facility primarily engaged in making loans to individuals that does not meet the definition of a **bank** and where the primary activity is not a **check cashing**, pay-day loan, or cash advance business.

Lot

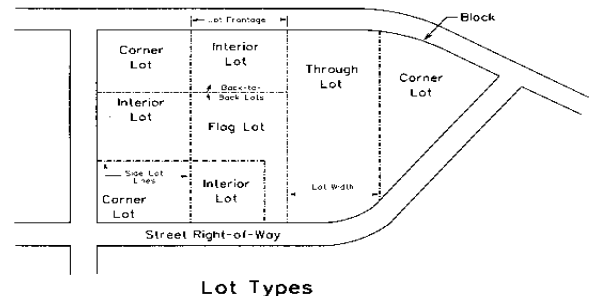
A piece of land of specific shape and dimension; it may be a single platted **lot** or a single **parcel**. The word “**lot**” shall include the words “**lot**, platted” and “**parcel**.”

Lot, Corner

A **lot** at the junction of and abutting two or more intersecting **streets**.

Lot, Flag

A **lot** that does not meet the minimum **frontage** requirements and where access to the public road is by a narrow, private **right-of-way** or **driveway**.



Lot, Front (Nonresidential)

That part of an **interior** or **through lot** that abuts a **street**. On a **corner lot**, the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location, **setbacks**, and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Previously approved site and/or **Development** Plans, and
- (4) Conforming **building setbacks**.

FORT WAYNE ZONING ORDINANCE

Lot, Front (Residential)

That part of an interior or **through lot** that abuts a **street**. On a **corner lot**, the front shall be that part of the **lot** having the least amount of footage abutting the **street**, with the exception that if the **lot** is laid out so that the longer dimension is less than 1.6 times the narrower dimension, then the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Platted **building** lines and restrictive covenants.

Lot, Interior

Any **lot** other than a corner or **through lot**.

Lot, Platted

An individual piece of land as shown on a **subdivision plat** recorded in the Allen **County Recorder's** office and in compliance with the **subdivision** regulations in effect at the time of the recording.

Lot, Through

An **interior lot** that has legal direct access onto two (2) or more parallel **streets** or roads, including **private streets**.

Lot Area, Net

The total horizontal area included within the area defined by the rear, side, and **front lot** or proposed front **street** line. No **alley**, public way, public land, or area proposed for a future **street** purpose is included in the net area of a **lot**.

Lot Coverage

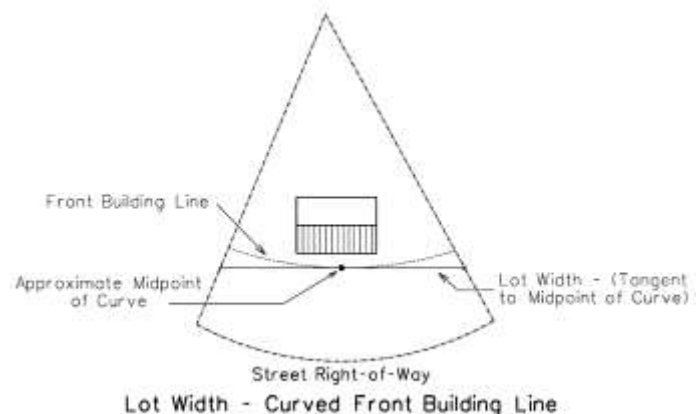
That portion of a **lot** that is covered by **buildings**.

Lot Depth

The average horizontal distance between the **front** and **rear lot** lines.

Lot Width

The dimension of a **lot**, measured between **side lot** lines on the **building line**. For **lots** with curved **front building lines**, the **lot width** shall be the dimension of the **lot** as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the **building line**. The **lot width** for other **lots** with irregularly shaped **front building lines** shall be as determined by the **Zoning Administrator**.



FORT WAYNE ZONING ORDINANCE

Lot Width, Minimum

The least permissible width of a **lot** measured horizontally along the **front building line**. For unplatted **lots**, the **minimum lot width** shall also be maintained at the **front lot line**. For platted **lots**, the **minimum lot width** at the **front lot line** shall be 25 feet.

Lot Line

Lines bounding a **lot**, as further described in the definitions in this ordinance.

Lot Line, Front

The line running along the front of the **lot**, typically located along the **street right of way**. The **front lot line** is also referred to as the front **street** line. In a **through lot** both **lot lines** abutting the **streets** shall be deemed **front lot lines**.

Lot Line, Rear

The **lot line** generally opposite or parallel to the front **street** line, except in a **through lot**. If a **rear lot line** is less than ten (10) feet long or the **lot** comes to a point at the rear, that **rear lot line** is assumed to be a line at least ten (10) feet long, lying wholly within the **lot**, parallel to the front **street** line or, parallel to the chord of the arc of the front **street** line.

Lot Line, Side

Any **lot line** other than a front **street** line or a **rear lot line**. A **side lot line** separating the **lot** from a **street** is a "side **street** line."

Lowest Floor (see Floodplain Management definitions)

Lumens

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is 1 candela.

Machine Tool Shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

Manufactured Home (see Floodplain Management definitions)

Manufactured Home Park

A **parcel** of land designed for **use** by more than one (1) **Type II** or **Type III manufactured homes** that provides the **infrastructure** and utilities necessary for single **family** occupancy of those homes.

Manufactured Home Park or Subdivision, Existing (see Floodplain Management definitions)

Manufactured Home Park or Subdivision, Expansion (see Floodplain Management definitions)

Manufactured Home or Park or Subdivision, New (see Floodplain Management definitions)

FORT WAYNE ZONING ORDINANCE

Manufactured Home, Type I

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, that is designed for **use** as a **dwelling**, either by itself or in conjunction with other similar units. Typically, a **modular home** would fall under this definition. To be considered a **Type I manufactured home**, the **structure** must:

- (1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;
- (2) Consist of two or more sections;
- (3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;
- (4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and
- (6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

Manufactured Home, Type II

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, bearing a seal certifying that it is built in compliance with the Federal **Manufactured Home** Construction and Safety **Standards** Act (42 USC Section 5401, et. Seq.) or IC 22-15-4-1, as may be amended, (as opposed to a **Type I manufactured home** that is built in conformance with the Indiana One and **Two Family Dwelling** Code). To be considered a **Type II manufactured home**, the **structure** must:

- (1) Contain at least nine hundred fifty (950) square feet of **occupied space** per **dwelling** unit;
- (2) Be a double or multiple section unit;
- (3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;
- (4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;
- (5) Have the wheels, axles, and hitch mechanisms removed;
- (6) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and
- (8) Have been constructed after January 1, 1981.

Manufactured Home, Type III

A **structure**, fabricated in an off-site **manufacturing** facility, which is transportable in one or more sections and is designed for **use** as a **single family dwelling**. A **mobile home** would meet this definition. To be considered a **Type III manufactured home**, the **structure** must:

- (1) Be properly connected to all utilities necessary for the occupancy of the unit; and
- (2) Be set on piers and properly skirted, with wheels and axles removed, in a **manufactured home park**.

FORT WAYNE ZONING ORDINANCE

Manufacturing

Establishments involved in the **manufacturing**, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the **manufacturing** site. This **use** includes but is not limited to the processing of adhesive/glue, agricultural implements, aircraft, animal feed, appliances, **automobiles**, bicycles, boats, carbon steel pipe & tubing, concrete, concrete products, electronics, insulation, **manufactured homes**, modular **buildings**, motorcycles, motors, paper/paper products, **recreational vehicles**, spas, stainless steel, steel, tile, tires, and valves.

Market Value (see Floodplain Management definitions)

Massage Therapy Establishment

Any establishment having a source of income or compensation derived from the practice of massage that complies with and is licensed by the appropriate authorities.

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 site**, or combination of **lots/development sites**; 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**.

Medical Facility or Office

A facility for the medical examination and treatment of human outpatients, provided that patients are not kept overnight except under emergency conditions, including audiologist, blood bank, blood or plasma donor facility, chiropractor, clinic, dentist, diagnostic center, dialysis center, doctor, health center, **hospice care center**, **hospital**, **laboratory**, **nursing home**, ophthalmologist, optician, optometrist, physical therapy facility, podiatrist, rehabilitation facility, sleep disorder facility, surgery center, and **treatment center**.

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder that:

- (1) Substantially disturbs an individual's thinking, feeling, or behavior; and
- (2) Impairs the individual's ability to function.

The term includes alcoholism, and addiction to narcotics or dangerous drugs.

Mentally Ill Individual

An individual who:

- (1) Has a psychiatric disorder that substantially impairs the individual's mental health; and
- (2) Requires care, treatment, **training** or detention:
 - (a) Because of the psychiatric disorder; or
 - (b) For the welfare of the community in which the individual resides.

FORT WAYNE ZONING ORDINANCE

Minimum Building Elevation

The lowest opening on any **building** or **structure** as determined by the stormwater authority based on local stormwater management requirements specific to a **Development Plan** or **Subdivision Plat**.

Mirrored Glass

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

Mitigation

The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

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**.

Mobile Food Service Unit

A vehicle, typically a van, truck, towed trailer, or pushcart, from which food and beverages are sold.

Mobile Home (see “Manufactured Home, Type III”)

Mobile Home Park (see “Manufactured Home Park”)

Model Home

A **single family (attached)**, **single family (detached)**, or **two family dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in an approved Major or Minor **Subdivision** or other residential **development**. **Model homes** may also include sales or rental offices.

Model Unit

A **multiple family** (apartment or **condominium**) **dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in a **multiple family dwelling** or complex. **Model units** may also include sales or rental offices.

Modular Home (see “Manufactured Home, Type I”)

FORT WAYNE ZONING ORDINANCE

Monument

A permanent marker, used to identify the boundary lines of any **lot, parcel, tract, street** lines, or survey control points.

Mosque (see “Religious Institution”)

Motel

A **building** or series of **buildings**, typically one or two stories, in which sleeping accommodations are offered for compensation, and that is distinguished from a **hotel** primarily by providing independent exterior access to, and adjoining parking for, each rental unit.

Motor Vehicle

An **automobile**, bus, truck, tractor, trailers, semi-trailer, **recreational vehicle**, motorcycle, scooter, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another **motor vehicle**.

Motor Vehicle, Inoperable

A vehicle which cannot be driven on a **public street** for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

Motor Vehicle Storage Yard

A **lot, tract, or development site** used for the temporary, short term (up to 90 days) **outdoor storage** of **motor vehicles** not used for transportation purposes on an active, regular or continuing basis, whether or not the **motor vehicle** is titled, licensed, or operable, either as a **primary use** or **accessory use**. Junk and **salvage yards** shall not be included under this definition.

Mounting Height, Light

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).

Multiple Family Complex

A grouping of two or more **multiple family structures**; also, a project with three or more single **family structures**, or two or more two **family structures**, on a single **lot**.

Multiple Family Complex, High Rise

A grouping of 2 or more multiple **family structures** of 5 or more stories.

Mural

A work of art, including a hand-painted, hand-tiled, or printed image on an exterior **wall** of a **building** that does not contain a message advertising a business conducted, service rendered, event scheduled, political issue, goods produced or sold, or other commercial message. A display or surface treatment that meets this definition is not a **sign**.

Museum

A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items.

FORT WAYNE ZONING ORDINANCE

Name Plate

An accessory **sign** containing only the name of the occupant of a **dwelling** and an occupation permitted in that **zoning district**.

Nature Preserve

An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

Navigation Aids (NAVAID) (see Airport Overlay District definitions)

Navigable Airspace (see Airport Overlay District definitions)

Neighborhood Center

A facility operated by a recognized neighborhood association and typically includes administrative office activities for the association as well as low intensity community services. Activities shall not include commercial or **uses** that create land **use** conflicts within a residential neighborhood.

Neighborhood Facility

A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, a branch YMCA or YWCA; a Boys and Girls **Club**; or a Boy Scout or Girl Scout facility.

New Construction (see Floodplain Management definitions)

Newspaper Publishing Facility

An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.

Nightclub

An establishment dispensing liquor and meals in which music, dancing, or entertainment is provided. Any establishment that meets the definition of “**adult cabaret**” or “**adult nightclub**” is not included under this definition.

Nits

A nit is a photometric unit defined as cd/m² (**candelas** per square meter).

Noise Impact (see Airport Overlay District definitions)

Nonconforming Building/Structure

An existing **building** or **structure** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **building** or **structure** is located.

Nonconforming Use

A **use** of land, or of a **building** or **structure**, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **use** is located.

FORT WAYNE ZONING ORDINANCE

Nonresidential District

The C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2, and I3 **zoning districts**.

Nude or State of Nudity

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft with less than a fully opaque clothing covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Nude or Semi-Nude Model Studio

Any place where a **person** who regularly appears in a state of nudity or semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other **persons**. This definition shall not include a **person** appearing in a state of nudity or semi-nudity doing so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a **structure**:
 - (a) That has no **sign** visible from the exterior of the **structure** and no other advertising that indicates a nude or semi-nude **person** is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Nursery School (see “Preschool”)

Nursing Home

A facility licensed by the State Board of Health that provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm **persons** requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. A convalescent home, health and rehabilitation center, and rest home, if meeting the above criteria, shall also be included under this definition.

FORT WAYNE ZONING ORDINANCE

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

Obstruction (see Floodplain Management definitions)

Occupied Space

The total area of earth horizontally covered by a **manufactured home**, excluding accessory appendages such as but not limited to **garages**, **patios**, breezeways, and **porches**.

Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

Onsite Sewage System

All equipment and devices used for conduction, collection, **storage**, treatment, and on-site disposal of sewage using a soil absorption field or Permitted Discharge System, for a property not served by a sanitary sewerage system. The term shall include conventional, alternative, and experimental **onsite sewage system** technologies and components, and privies approved by the Indiana State **Department of Health** for use in the state. An **onsite sewage system** shall also include a private septic system.

Onsite Sewage System Suitability Zone

An area of land delineated on a survey, supplemental document or plot plan, determined under the review of the **Department of Health**, provided in effort to protect soil most suitable for the installation and operation of a private **onsite sewage system**.

Open Fence (see “Fence, Open”)

Open Use of Land

An outdoor **use** that is operated with no **primary buildings** or **structures**, excluding a quarry operation.

Ornamental Fence (see “Fence, Ornamental”)

Outdoor Activity Area

For the purposes of the landscape **standards**, the **use** of an area for outside activities by a **nonresidential use**, such as dumpsters, loading areas, mechanical equipment, outside eating/drinking areas, and outside **storage** areas. Front-facing **automobile service** bays and similar **uses** shall not be considered **outdoor activity areas**.

Outdoor Display

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a **structure** consisting of **walls** and a roof. **Outdoor display** shall not mean **yard sales** as defined in this ordinance.

Outdoor Recreation Facility

Private **recreation** facilities that do not include athletic or recreational fields as a primary component of the **use**. **Structures** are typically required by or are part of the **primary use** of the facility. This **use** shall not include

FORT WAYNE ZONING ORDINANCE

public parks, public recreation areas or recreation uses that are **accessory uses** to existing permitted **primary uses**.

Outdoor Recreation Use

Private athletic or recreational fields or similar **uses**. **Structures** may be required by the **uses**; however, they would typically only be provided as **accessory uses** to the primary **recreation use**. This **use** shall not include **public parks, public recreation areas or recreation uses** that are **accessory uses** to existing permitted **primary uses**.

Outdoor Storage

The keeping of goods, materials or equipment in a location not enclosed by **walls** and a roof.

Owner

Any **person** having record title.

FORT WAYNE ZONING ORDINANCE

Painted Graphics

Any advertisement painted directly onto the **wall** of a **building**.

Parcel

An individual unplatted piece of land, that was either: created by a deed recorded prior to the effective date of this ordinance in compliance with the **Subdivision** Control Ordinance in effect at the time of recordation; created as an **exempt division of land**/excluded **conveyance** by a deed recorded after September 1, 2007, in compliance with the **Subdivision** Control Ordinance in effect at the time of recording; or created by a **Plan Commission**-approved **Development** Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public **right of way**, waters of the United States, or **waters of the State** of Indiana, then that piece of land shall be deemed to be more than one **parcel**.

Park or Recreation Area (Public)

A **lot**, **tract**, or **development site** designated and used by the public for active and/or passive recreation.

Parking Space (Off-Street)

A space other than on a **street**, passageway, or **alley** designed for **use** or used for the temporary parking of a **motor vehicle**, including **driveways** and **garages** on private residential property.

Parking Structure

A **structure** designed to accommodate vehicular **parking spaces** that are fully or partially enclosed or located on the **deck** surface of a **building**, including parking **garages** and **deck** parking.

Patio

A slab on grade located in the **front**, **rear**, or **side yard** of a property.

Pawn Shop

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where that property may be redeemed by the seller in a fixed period of time or sold to the general public.

Pedestrian Friendly (see “Pedestrian Oriented”)

Pedestrian Oriented

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

Person

An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such **persons**.

Personal Services

An establishment that primarily engages in providing services generally involving the care of the **person** or his or her personal goods or apparel, including adoption service, **adult care center**, bankruptcy service, **barber shop**, **beauty shop**, bookkeeping service, **child care center**, clothing alterations, collection agency, consulting service, **correctional services facility**, copy/duplicating service, counseling service, credit service, **customer**

FORT WAYNE ZONING ORDINANCE

service facility, dating service, day care, day spa, embroidery, employment agency, finance agency, financial planning service, fitness center, funeral home, health club, investment service, legal service, massage therapy, nail salon, nutrition service, security service, social service agency, tailor, tanning salon, travel agency, tutoring service, wedding consultant, and weight loss service.

Pet Store

A retail establishment offering small animals, fish, or birds for sale as pets and where all creatures for sale are housed within the **building**.

Photographic Studio

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This **use** may include the developing of film to produce images and the sales of images produced by the establishment.

Plan Commission

The Fort Wayne **City Plan Commission**.

Planning Jurisdiction

That land lying within the incorporated boundaries of Fort Wayne and any additional areas where extra-territorial **planning jurisdiction** has been granted by the Allen **County** Commissioners.

Planning Staff

The personnel of the Land **Use** division of the **Department of Planning Services**.

Plant Nursery

A place where plants are propagated and grown to usable size or otherwise kept for sale, including retail and wholesale nurseries, and the sale of related items, along with any **buildings** and **structures** necessary for the operation of the facility.

Plat

The drawing on which a plan of **subdivision** is presented to the **Plan Commission** (or an approved committee of the **Commission**) for approval, showing the length, width, and size of each **lot**, and public ways or places. A **plat** must be properly approved and recorded to be of effect.

Plat, Minor

A **subdivision** of a **parcel** of land, that creates no more than six (6) **lots**, and that is reviewed and approved in accordance with this ordinance. No further **subdivision** of a platted and recorded **minor plat** shall be permitted, unless the **minor plat** is replatted in accordance with this ordinance.

Plat, Major

A **subdivision** of a **parcel** of land that creates more than six (6) **lots**, is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen **County Recorder's** office; excluding an **exempt division of land** under §157.303(C)(2) and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted, unless the **plat** is replatted.

FORT WAYNE ZONING ORDINANCE

Plat Committee

A group of officials appointed by the **Plan Commission** to hold hearings on and dispose of **subdivision** applications on behalf of the **Commission**.

Play Equipment

Accessory structures and **uses**, used for **recreation** and play, including jungle gyms, play houses, play sets/**structures**/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, sandboxes, and other similar **uses**.

Police Station

Any **building** or part of a **building** that is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch, Open

A roofed **structure** attached to a **building** and open on two or more sides. A screened in **porch** shall not be considered open.

Portable Storage Container

A semi-trailer, truck box or other similar container placed on a property for **use** as accessory **storage**. Dumpsters or roll-off containers used for the temporary **storage** of **solid waste** shall not be included under this definition.

Preschool

A **school** for children primarily between the ages of three and five, providing preparation for elementary **school**.

Primary Building (see "Building, Primary")

Primary Surface (see Airport Overlay District definitions)

Printing Services

A retail establishment that includes a quick print **shop** or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, digital services, publishing, binding and **photographic** developing equipment.

Professional Engineer

An **engineer** who is licensed in compliance with the laws of the State of Indiana.

Professional Office/Business Service

An establishment where the business of a commercial/professional organization or a professional **person** is conducted, or which engages in providing services to such an organization or **person**, including accountant, advertising, answering service, appraiser, architect, attorney, auction service, **bank**, bookkeeping, broker, **credit union**, data processing facility, data **storage** facility, **engineer**, foundation office, graphic design service, insurance agency, interior design service, internet/web site service, **land surveyor**, **loan office**, marketing agency, mortgage service, planner, realtor, **savings and loan**, stock and bond broker, tax consulting, and title company.

FORT WAYNE ZONING ORDINANCE

Protected Class

The federal Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven **protected classes**: race, color, religion, national origin, sex, disability, and familial status.

Public Park (see “Park or Recreation Area, Public”)

Public Sewer Facility

A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC). This shall not include a package treatment or similar private sewer facility.

Public Utility

A firm, corporation, municipal department or **board** duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

Public Water Facility

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-**public utility**.

Public Works Use, Temporary

The **temporary use** of a **structure** or **parcel** of land for purposes of preparing for or completing a public construction project, or for storing materials or equipment related to the construction project inside or outside an enclosed **building**.¹

FORT WAYNE ZONING ORDINANCE

Radio Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music and other related media.

Radio Tower/Antenna (Amateur)

A tower or other **structure** to support a transmitting/receiving antenna for an amateur radio activity.

Radio or Television Tower

A **structure** that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data, but not personal wireless communications) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to: lattice towers, guyed towers, and monopole towers. The term does not include a wireless communication tower, clock tower, bell tower, steeple, light pole, power pole, water tower, or similar **structure** that incidentally supports antennae.

Reception Hall

A facility in which the primary function is hosting special occasion events at which food and beverages are served to groups of people, with facilities for the refrigeration and heating of food.

Recorder

The **Recorder** of Allen County, Indiana.

Recreation Facility

An indoor or outdoor establishment that is maintained or operated for the amusement, patronage, or **recreation** of the general public, members, or paying customers, including , athletic/**recreation fields**, batting cages, bowling **alleys**, **driving ranges**, **miniature golf courses**, , tennis **clubs**, skating rinks, **swimming pools**, , and other similar **uses**.

Recreation Facility, Outdoor

Private **recreation** facilities that do not include athletic or recreational fields as a primary component of the **use**. **Structures** are typically required by or are part of the **primary use** of the facility. This **use** shall not include **public parks**, **public recreation areas** or **recreation uses** that are **accessory uses** to existing permitted **primary uses**.

Recreation, General

A commercial **use** that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, athletic field, **arena**, batting cages, betting or other gambling facility, **country club**, **entertainment facility**, **golf course (miniature)**, **golf driving range**, go-kart facility, haunted house, **recreation uses**, **riding stable**, skating rink, **stadium/race track**, swim **club**, tennis **club**, and **theater**

Recreation/Tourism, Limited

A commercial **use** that provides indoor amusement, entertainment, recreation, or sport for consumers, including **arcade**, billiard or pool hall, bingo establishment, bowling **alley**, dinner **theater**, **entertainment facility**, haunted house, **hotel**, **motel**, skating rink, swim **club**, tennis **club**, and **theater**.

FORT WAYNE ZONING ORDINANCE

Recreation Field

Any indoor or outdoor field or court used for sporting or recreational activities, including soccer, football, baseball, tennis, and other similar activities.

Recreation Space, Developed

Real estate devoted to recreational purposes that contains approved site improvements, including but not limited to shelters, **swimming pools**, **tennis courts**, lakes, and playground fixtures among others.

Recreation Space, Undeveloped

Real estate devoted to recreational purposes that is void of **buildings** and/or **structures** and under common ownership by a government and/or private entity for the **use** and enjoyment of a community of individuals.

Recreation Uses, Outdoor

Outdoor recreation uses shall include **athletic fields**, **golf courses**, outdoor pools, swimming beaches, volleyball or **tennis courts**, and similar **uses**.

Recreational Vehicle (see Floodplain Management definitions)

Recycling Collection Point

An **accessory use**, **structure**, or enclosed area that serves as a neighborhood drop-off point for **temporary storage** of recyclable materials. A **recycling collection point** may also include a facility for the temporary collection of used clothing and household goods.

Recycling Processing Facility

A recycling facility that receives distinct and recognizable **solid waste** items such as newspapers, magazines, books, and other paper products, glass, metal cans, and other similar products are recycled, reprocessed, and treated in order to return those products to a condition where they may be again be used in new products. Based on a calendar quarter, a **recycling processing facility** must have not more than ten percent (10%) by volume of the **solid waste** that passes through the facility ultimately taken for final disposal.

Refinery

A production facility composed of a group of chemical engineering unit processes and unit operations refining certain materials or converting raw material into products of value.

Refuse

All waste solids (except body wastes), including **garbage**, rubbish, ashes, and dead animals.

Regulatory Flood (see Floodplain Management definitions)

Regulatory Flood Profile (see Floodplain Management definitions)

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.

Religious Institution

A **structure** or place in which worship, ceremonies, rituals, and **education** pertaining to a particular system of beliefs are held, together with its **accessory buildings and uses** (including **buildings** used for educational and

FORT WAYNE ZONING ORDINANCE

recreational activities), operated, maintained, and controlled under the direction of a religious group. **Accessory buildings, structures, or uses** may include athletic/**recreation fields** (non-illuminated); assembly **buildings** (including gymnasiums); clothing or food banks; **convents**/parsonage/rectories or similar residences; **day care**; counseling or **education**; **school** facilities; parking; or caretaker's housing.. Examples include **churches**, **mosques**, **synagogues**, **temples**, or other places of worship.

Rental and Leasing Store

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a **building**.

Research and Development Facility

A facility including research, synthesis, analysis, **development** and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient or necessary to the conduct of those activities.

Research and Scientific Laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**.

Residential Condominium Development

A residential **development** created as a horizontal property regime (pursuant to IC 32-25 et. seq., as may be amended) where each **dwelling unit** is owned or financed by the occupant or occupant's lessor, but in which the **common areas**, facilities, and underlying land is owned jointly by all the **owners** on a proportional, undivided basis.

Residential District

The AR, R1, R2, R3, RP, MHS, and MHP **zoning districts**.

Residential Facility, General

Higher intensity residential **uses** other than single-family, two **family** and **multiple family dwellings**, including but not limited to:

- (1) **Assisted living facility**
- (2) **Boarding house**
- (3) **Dormitory/campus housing** (off-site)
- (4) **Fraternity house**
- (5) **Group residential facility (large)**
- (6) **Live-work unit**
- (7) **Model unit**
- (8) **Multiple family complex**
- (9) **Multiple family dwelling**
- (10) **Nursing home**
- (11) **Residential dwelling unit** (above, to the rear of, or attached to a permitted **nonresidential use**)
- (12) **Residential facility for a court-ordered re-entry program**
- (13) **Residential facility for homeless individuals**

FORT WAYNE ZONING ORDINANCE

- (14) **Retirement facility**
- (15) **Sorority house**
- (16) **Townhouse complex**

Residential Facility, Limited

Low-intensity residential **uses** other than **single-family, two family and multiple family dwellings**, including but not limited to:

- (1) **Adult care home** (in an existing single **family** detached residence only);
- (2) **Child care home (class I or class II;** in an existing single **family** detached residence only);
- (3) **Group residential facility** (small; in an existing **single family detached residence** only)

Residential Facility for a Court-ordered Re-entry Program

A facility providing housing for individuals under a program authorized by a local, State, or Federal court.

Residential Facility for Developmentally Disabled Individuals

A type of Small **Group Residential Facility** providing housing for up to than eight (8) **developmentally disabled individuals** (exclusive of supervisory staff, councilors or resident managers); operated under a program authorized and licensed by the State.

Residential Facility for Homeless Individuals

A facility providing housing for up to eight (8) homeless individuals (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility for Mentally Ill Individuals

A type of **Small Group Residential Facility** providing housing for up to eight (8) **mentally ill individuals** (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility (Other)

A facility providing housing for up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a protected group as set forth under the Fair Housing Act.

Residential Zoning District (see “Residential District”)

Restaurant

An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal **building**, with or without **drive-through facilities**.

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.

Retail/Service, General

A facility or area for the indoor or outdoor retail sale of items, merchandise, or products to the general public. This **use** includes agricultural equipment sales, agricultural equipment service, agricultural supply sales, air

FORT WAYNE ZONING ORDINANCE

conditioning service, **auction hall**, **automobile** auction, boat/watercraft sales, **check cashing**, **engine repair**, **equipment rental (limited)**, equipment service, **exhibit hall**, **exterminator**, **feed store**, fireworks sales, flea market, fruit and vegetable sales, furniture refinishing/repair, **garage**, **garden equipment supply**, **greenhouse**, gun sales, heating service, **home improvement store**, **manufactured home** sales, **motor vehicle** rental, **motor vehicle** sales, **pawn shop**, pest control, **plant nursery**, plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled gas sales and service, **shooting range** (indoor only), **storage shed** sales, taxidermist, trade show facility, **warehouse/storage facility**, and **window** repair.

Retail Facility, Multiple Tenant

A **single multiple tenant** retail **building** located on a **development site** or **shopping center** outlet.

Retail Facility, Single Tenant

A stand-alone, **single tenant retail facility** on its own **development site**. Accessory space may be rented or leased within the **building** provided a separate outdoor entrance is not provided. This definition shall not include home improvement centers.

Retail, Limited

A facility or area for the retail sale of certain items, merchandise, or products to the general public. This **use** includes air conditioning sales, appliance store, **antique shop**, artist material and supply store, **art gallery**, bicycle sales and repair **shop**, book store, card and stationary store, catalog showroom, cigarette/tobacco/cigar store, clock, watch, and jewelry sales/ repair, coin **shop**, consignment **shop**, cosmetic store, craft gallery, craft supply store, **department store**, drug store, fabric **shop**, **farmer's market**, fireworks sales (indoor), flea market (indoor), floor covering store, florist, **furniture store**, gift **shop**, glass cutting/glazing **shop**, hardware store, home accessory/improvement store, home improvement business, household appliance store, heating sales, hobby **shop**, interior decorating store, leather goods or luggage store, medical supply sales, movie and game sales/rental, music store, musical instrument store, paint store, **pet store**, pharmacy, photographic supply store, picture framing facility, pottery sales, rental and/or leasing store (including furniture, office equipment, or party supplies), **sign sales store**, sporting goods sales and rentals, toy store, variety store, and **window** sales.

Retaining Wall

Any **fence** or **wall** built or designed to retain or restrain lateral forces of soil or other materials.

Retirement Facility

An independent living facility designed to meet the needs of **persons** fifty-five (55) years of age or over. Typically the facility consists of independent living apartments along with **common areas** for meals, social gatherings, and recreation. Services such as transportation, housekeeping, dietary supervision, recreational activities, and coordination for home health care may also be offered. However, the primary purpose of the facility is not to provide medical services for its residents.

Riding Stable, Non-residential

Any **lot** or portions of a **lot** on which horses or other similar animals are maintained for the public to ride in return for monetary remuneration or other forms of compensation. Non-residential stables may be located on a **parcel** with no **primary structure**; the **parcel** shall be at least five (5) acres in size.

Riding Stable, Private

Any **lot** or portions of a **lot**, on which a **private club**, association, or other private organization maintains horses or other similar animals to be ridden exclusively by its membership and guests of the membership.

FORT WAYNE ZONING ORDINANCE

Riding Stable, Residential

An area for riding or housing/boarding horses, used as an **accessory use** and located on a property with a single **family** residence.

Right-of-Way

A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, **public utilities**, or other public **uses**.

River or Stream (see Floodplain Management definitions)

Root Parcel of Land

Any separate and distinct quantity of land located within a registered **metes and bounds subdivision** created by virtue of a legally recorded deed. For purposes of determining the duration of existence of a **root parcel**, a quantity of land shall not lose its character as a **root parcel** because of later **conveyances** of land from that **parcel**; provided, however, that any **parcel** legally created from a **root parcel of land** by **conveyance** within a registered nonconforming **metes and bounds subdivision** shall, after the expiration of twelve (12) months from the recordation of the deed evidencing that **conveyance**, be construed as a new **root parcel**.

Runway (see Airport Overlay District definitions)

Runway Protectin Zone (RPZ) (see Airport Overlay District definitions)

Sales Yard

An outdoor area for the sale of **building** materials, lumber, sand, gravel, stone, and similar materials used in construction projects.

Salvage Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for sales of, processing, or dismantling junk, **building/infrastructure** construction material, or similar material.

Sanitary Landfill

A **solid waste** disposal facility designed to accommodate and dispose of certain types of **solid waste** as defined and described in 329 IAC 10-2 (excluding **hazardous waste** regulated by 329 IAC 3.1). The facility shall be operated by spreading the waste in layers, compacting to the smallest practical volume, and covering with material at the end of each operating day. The facility shall be operated under permits issued by the appropriate government agencies.

Satellite Dish, Large

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is more than two (2) feet in diameter.

Satellite Dish, Small

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is not more than two (2) feet in diameter.

Savings and Loan

An establishment that provides lending and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive through facilities**.

FORT WAYNE ZONING ORDINANCE

Sawmill

A mill for sawing timber or logs into boards or lumber.

School

Facility used for educational purpose including public or private primary or secondary **schools**; elementary, junior or senior high, including charter or vocational **schools**.

School, Parochial

A **school** maintained by a religious body for either primary or secondary **instruction**.

School, Private

A preprimary, primary, grade, high or preparatory **school** or academy, not owned by any governmental unit.

School, Public

An institution at the elementary, middle, or high level that provides educational **instruction** to students.

Seasonal Outdoor Retail Sales

Any business or **use (primary or accessory)**, that is conducted primarily out of doors, which may include but not be limited to: retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, fireworks; and other similar businesses or **uses**.

Secondary Approval

Approval, or approval with **conditions**, granted to an application for a **Development Plan** or **Major** or **Minor Subdivision**, certifying that the application reflects all terms, **conditions**, and **commitments** required by the **Plan Commission**, or the **Plat Committee** acting in its behalf.

Security Fence

A **fence** erected as a barrier to **persons**, animals, or vehicles entering or leaving the enclosed area.

Self-Service Storage (Mini-Warehouse) Facility

A **building** or group of **buildings** consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for **self-service storage** of personal property.

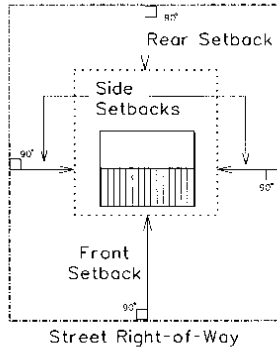
Semi-Nude Or State Of Semi-Nudity

A state of dress in which opaque clothing covers no more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

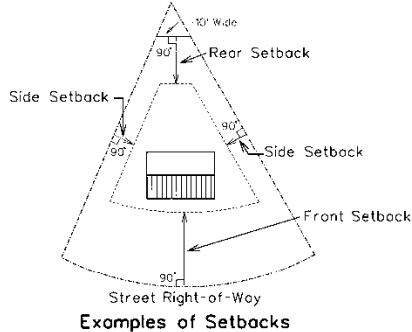
FORT WAYNE ZONING ORDINANCE

Setback

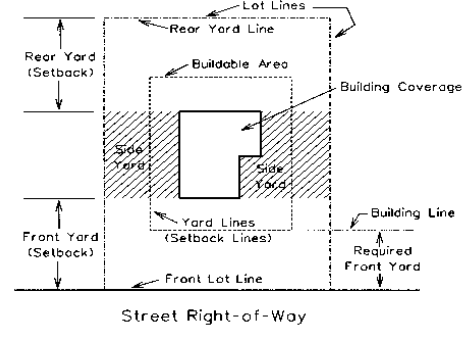
The distance on a **lot** measured from the edge of a **right-of-way** that must remain open, unoccupied and unobstructed by **structures**, except as otherwise provided or permitted in the ordinance.



Examples of Setbacks



Examples of Setbacks



Sexual Encounter Establishment

An establishment that as one of its purposes offers for any form of consideration a place where two or more **persons** may congregate, associate, or consort for the purpose of engaging in **specified sexual activities** or where one or more of the **person** is nude or semi-nude. This definition shall not include a licensed **health care facility**, or establishment where a medical practitioner, psychologist, psychiatrist, or similar professional **person** licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business

An **adult bookstore**, **adult cabaret**, **adult motion picture theater**, **adult night club**, **adult novelty store**, **adult video store**, **nude or semi-nude model studio**, or **sexual encounter establishment**.

Shed

An outbuilding or other **structure** that is accessory to a principal **use** on the same **lot**.

Shooting Range

An area or facility to be used for firearm target practice, competitions, or similar **uses**, including but not limited to archery, skeet, trap, paintball, and similar shooting activities, and including both indoor and outdoor facilities.

Shop

A place where merchandise is offered for sale; a store.

Shopping Center

A **development** that includes more than one **multiple tenant** or **single tenant retail facility**, or other retail **use** located on a **development site** or combination of **development sites**.

Significant (see **Floodplain Management definitions**)

FORT WAYNE ZONING ORDINANCE

Sign

Any identification, description, illustration, device, light projection, or surface treatment, that is in view of the general public and that directs attention to a **person**, place, commodity, activity, institution, organization or business. **Signs** include but are not limited to wind wavers, banners, **building** and equipment wraps, painted tops of **buildings**, mannequins displayed outdoors, **outdoor displays** of goods not for sale, **window signs**, and portable **signs**. **Signs** do not include architectural elements or details; clocks; thermometers; vending machines; newspaper racks; decorative illumination including façade illumination, neon accent lighting, and backlit **awnings** that do not attract attention to a product or service; art, **murals**, and other similar painted displays that do not attract attention to a product or service; **signs** where the message is either not legible from outside the **building** or intended to only be seen from inside the **building**.

Sign, Additional Entrance

A **freestanding sign** located at the entrance to a property containing **multiple tenants** or facilities on a single property or on multiple properties that share that access. An **additional entrance sign** includes but is not limited to a tenant panel **sign** for a **shopping center**, commercial facility, or industrial park, or a single **sign** containing the names of the **multiple tenants** or facilities that share the access where the **sign** is located, but does not include a **subdivision entrance sign**.



Sign, Auction

A **temporary sign** that announces the date, time and other information relative to an auction on a property.



Sign, Awning

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

Sign, Billboard

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that has 100 square feet or more of **sign area**.



Sign, Blade

A **sign** affixed to a **building wall** that 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** that are over sixty (60) feet in height.

Sign, Canopy

A **sign** affixed to a **canopy**.

FORT WAYNE ZONING ORDINANCE

Sign, Changeable Copy

A **sign** or portion of a **sign** that allows for frequent changes in **sign** messages by manual, electronic, or mechanical means.

Sign, Construction

Any **sign** announcing the names of architects, **engineers**, contractors, or other individuals or firms involved with the construction, alteration, or repair of a **building** project or announcing the character of the **building** enterprise or the purpose for which the project is intended.



Sign, Direction

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.



Sign, Directory

A **sign** that provides a list or directions to multiple facilities or tenants within a single **building** or complex of **buildings**.

Sign, Drive-Through

A **sign**, as defined herein, erected for and used in conjunction with a commercial **use** which conducts business exchanges with clients who drive up to a **window** and remain in their **automobiles**. **Drive-through signs** shall include menu boards and other **signage** relating to services available at the service **window(s)**.

Sign, Entrance

A **sign** used to identify a planned **district** or platted **subdivision** with the intention of providing knowledge about the complete project and not a single entity or unit.



Sign, Expired

A **sign** displayed on a property after the conclusion of the event the **sign** was placed in association with; or a **sign** with a message that has been rendered no longer operative, valid, or timely by a cessation or abandonment of a land **use** or occupancy, a cessation or completion of events, or the passage of time. Examples of **expired signs** shall include a **sign** for a business no longer in operation, an empty **sign** cabinet that does not display any message, a **yard sale sign** displayed after the conclusion of the sale, a **noncommercial opinion sign** displayed more than the permitted number of days after the date of the applicable election, a **real estate sign** displayed more than the permitted number of days after the closing of the sale, or a **construction sign** displayed more than the permitted number of days after the completion of construction.

Sign, Flashing

Any **sign** that flashes or appears to flash by a powered light source at intervals of less than 6 seconds.

FORT WAYNE ZONING ORDINANCE

Sign, Freestanding

A **sign** that is completely or principally self-supported and erected on a frame, mast or pole that is not attached to a **building**.

Sign, Ground-mounted

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.



Sign, Incidental

Any accessory **sign** that advertises goods, services or facilities that are available on the premises where the **sign** is located. Any **sign** required by law shall not be counted as an **incidental sign**.

Sign, Marquee

A **sign** displayed, erected or supported upon an overhanging **marquee** or other similar cover or shelter.

Sign, Master Plan (see “Master Sign Plan”)

Sign, Mobile

A **sign** that is designed to be moved from one location to another, and is not permanently affixed to the ground or to a **structure** that is permanently affixed to the ground (including **signs** affixed to a truck or trailer that is parked temporarily on a **lot** or **parcel**). A vehicle associated with and parked within 40 feet of a permitted or approved **special use** is not a **mobile sign**.



Sign, Multi-Faced

Any **sign** in a three-dimensional configuration, including but not limited to cubes, spheres and cylinders.

Sign, Noncommercial Opinion

A **sign** that expresses an opinion or other point of view, and does not contain information or advertising for any business, product, good, service, entertainment, or other commodity. A **sign** that meets the definition of “**sign**”, including an **on-premise sign** or and **off-premise sign**, shall not be considered a **noncommercial opinion sign**. A **political sign** shall be considered to be a **noncommercial opinion sign**.

Sign, Off-Premise

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that does not exceed 100 square feet in area.

Sign, On-Premise

Any **sign** identifying or advertising a business, **person**, activity, good, product or service located on the premises where the **sign** is installed.

FORT WAYNE ZONING ORDINANCE

Sign, Political

Any **temporary sign** pertaining to an election or a referendum or carrying the picture or name of a **person** seeking election or appointment to a public office.

Sign, Projecting

A **sign** other than a **wall sign**, that is affixed to any **building, wall** or **structure** and extends greater than eighteen (18) inches beyond the **building wall** or parts of the **building wall**, generally at a right angle to the **building**, so 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.



Sign, Public Information

Signs of a public, non-commercial nature to include safety **signs**, trespassing **signs**, traffic **signs**, **signs** indicating scenic or historical points of interest, memorial plaques and the like, and all **signs** erected by or on order of a public office in the performance of a public duty.

Sign, Real Estate

An **on-premise sign** pertaining to the sale, construction, rental or lease of the property upon which it is located.

Sign, Roof

A **sign** erected upon or above a **roof** or parapet of a **building**.



Sign, Temporary

A **sign** not permanently installed or not intended or designed for permanent display. This includes all **signs** constructed of cloth, canvas, light fabric, cardboard, or other light material. Easily removed **signs** attached to **windows** shall be considered **temporary signs**.

Sign, Wall

A **sign** attached to the face of a **building**, or attached to a mansard or similar style of **roof**, so 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**.



Sign, Window

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**.



FORT WAYNE ZONING ORDINANCE

Sign Area

The area in square feet of the smallest, simplest, single geometric figure that encloses the area that forms the outside shape of the **sign** face. Permitted **changeable copy** areas are to be included in the calculation of **sign area**, not allowed in addition to otherwise permitted **sign area**.

Sign Brightness

The maximum brightness of a video display or electronic graphic display **sign**.

Sign Fabricating Shop

An establishment where the **primary use** is the fabrication of freestanding, **wall**, identification, or other **signage** for off-site installation.

Sign Height

The distance between the lowest grade level within two feet of either side of a **sign**, and the highest part of the **sign** or its supporting **structure**.

Sign Sales Store

An establishment where the **primary use** is the retail sale of **signs**, banners, or similar items. Limited on-site fabrication or creation of **signage** may be permitted.

Sign Separation from Districts, Uses, or Features

Where **signs** are required to be separated from specified **zoning districts**, land **uses**, or other features, the distance shall be measured radially starting from the center of the **sign** base at grade, and shall extend outward in a circular manner for the distance specified.

Sign Separation from other Signs

Minimum required distances between **off-premises signs** and **billboards** shall be measured (a) horizontally along the side of the **street** where the **sign** is located and (b) along the opposite site of the **street** where the **sign** is located, beginning from a point directly opposite the **off-premises sign** or **billboard**, as measured from an imaginary line perpendicular to the centerline of the **street** at that point.

Significant Natural Features

Noteworthy elements of the natural environment including rock outcroppings, ravines, **streams**, irrigation ditches, stands of more than 100 mature trees, and identified historical or archeological sites.

Single Family Dwelling (Detached) (see “Dwelling, Single Family, Detached”)

Site Area, Gross

The entire land area within the boundaries of a site, including all existing and proposed public and private **rights-of-way**.

Site Area, Net

The entire land area within the boundaries of a site, excluding all the area of any existing and proposed public and private **rights-of-way**.

Slaughter House

A facility for the slaughtering and processing of **domestic farm animals** and the refining of their byproducts.

FORT WAYNE ZONING ORDINANCE

Small Satellite Dish (see “Satellite Dish, Small”)

Solar Panel (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity.

Solar panels include both photovoltaic and hot water devices.

Solid Waste

Any **garbage**, **refuse**, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material as described in 329 IAC 10-2-174(A)(6). However, the term “**solid waste**” does not include the following:

- (1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the **City Code**;
- (2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);
- (3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

A facility at which **solid waste**, as defined in 329 IAC 10-2, is transferred from a vehicle or container to another vehicle or container for transportation from one mode of transportation to another including the transfer of a trailer, container or waste from rail to road transportation. The following may also be located at a transfer station as **accessory uses**: **solid waste** baler, **solid waste** shredder, composting facility or **garbage** grinding facility. The **storage** or transfer of **hazardous waste** as regulated under 329 IAC 3.1(as may be amended) shall not be permitted at the facility. This term does not include the following:

- (1) Collection containers for **solid waste**;
- (2) The transfer of **solid waste** at the point of generation;
- (3) A **recycling processing facility** that receives distinct and recognizable **solid waste** items that fall under the definition of “**recycling processing facility**”;
- (4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or
- (5) A facility that generates **solid waste**.

Sorority House

A **building**, rented, occupied or owned by a national or local chapter of an organized college **fraternity** or **sorority** that is officially recognized by a college, university, or other **educational institution**.

Special Event

Short term events connected to activities such as business openings or special sales; civic, **education**, philanthropic, **religious institution**, or similar group fund drive, campaign, or other activity; fairs, carnivals, circuses, or festivals.

FORT WAYNE ZONING ORDINANCE

Special Flood Hazard Area (SFHA) (see Floodplain Management Definitions)

Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to §157.503(D) and the other applicable provisions of this this ordinance prior to commencing the **use**.

Specified Anatomical Areas

This term includes (1) less than completely and opaquely covered: human genitals, pubic regions, cleft of buttocks, anus, or female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Actual or simulated sexual conduct, normal or perverted acts of human masturbation; deviate sexual intercourse; oral copulation, sodomy, sexual intercourse; or physical contact, fondling, or erotic touching, in an act of apparent sexual simulation or gratification, of a **person's** clothed or unclothed genitals, pubic area, buttocks, anus or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, or excretory functions in connection with any of the above activities.

Stadium/Racetrack

Any **structure** with tiers of seats rising around an unenclosed sports field, playing court, or public exhibition area. **Stadium/racetracks** are primarily used for sports and athletic events. Entertainment and other public gathering purposes, such as concerts and conferences may be permitted as an **accessory use** of a **stadium/racetrack**.

Standards

The most current, specific and detailed listing of materials and **construction** methods for **infrastructure** improvements, **standards** of **construction** and design, and performance **bond** schedules as adopted by the **Board of Public Works**, and/or the Board of Park Commissioners.

Start of Construction (see Floodplain Management definitions)

Storage

The keeping of goods, materials, equipment or vehicles on a property.

Storage Building

Structures used for the **storage** or warehousing of goods, but not including **temporary storage** containers such as portable on-demand units or tractor trailers used for **storage**.

Storage Shed

An **accessory structure** to a single **family** or two **family** residential **use** used for the **storage** of household recreational or **yard** equipment, gardening materials, tools, and household similar items, but excluding **portable storage containers**, shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

FORT WAYNE ZONING ORDINANCE

Story

That portion of a **building** included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a **building** used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a **story** unless the height of the surface of the first floor above the average elevation of the finished **lot** grade at the front of the **building** exceeds four (4) feet.

Story-Half

A **story** under a gable, hip or gambrel roof, the **wall** plates of which on at least two (2) opposite exterior **walls** are not more than two (2) feet above the floor of that **story**.

Street

A dedicated, constructed public **right-of-way** primarily for purposes of vehicular **travel**, including the pavement, median, curb, and/or shoulder.

Street, Arterial

A **street** system typically designed to carry high volumes of traffic, generally interconnecting with **expressways** and **freeways**, and providing a continuous high mobility network that primarily services regional traffic. The following classifications shall also be included under this definition:

(1) Principal Arterial

A **public street** that provides high volume **travel** between major points or serves the major centers of activity and designated as a **principal arterial** on the map contained in the latest Transportation Plan adopted by the Fort Wayne Common Council. A **principal arterial** carries most of the trips entering and leaving the urban area as well as most through movements and intra-area **travel**. The **street** serves primarily through traffic and provides access to abutting properties as a secondary function.

(2) Minor Arterial

A **street** system that interconnects with and supports the **principal arterial** system and designated as a **minor arterial** on the latest Transportation Plan adopted by the Fort Wayne Common Council. The system carries trips to geographic areas smaller than that identified with higher classifications. Those arterials not classified as **principal arterials** shall be classified as **minor arterials**.

Street, Collector

A **public street** that provides moderate volume traffic circulation and property access. The **street** may penetrate residential, commercial, and industrial areas distributing trips from arterials through the area to **local streets** or final destinations. The system also links neighborhoods or areas of homogeneous land **use** with arterials. The following classifications shall also be included under this definition:

(1) Street, Minor Collector

A **minor collector street** serves as a connecting link between **collector streets** and **local streets**, primarily serving internally to residential communities.

(2) Street, Sub-Collector

A **street** that functions to conduct traffic between major traffic arterials and/or activity centers. It is a principal traffic artery within a residential area and carries a relatively high volume of traffic.

FORT WAYNE ZONING ORDINANCE

Street, Cul-De-Sac

A dead-end **street** that terminates in a circular **right-of-way** and does not provide more than one access point onto another **street**, nor act as a collector, or means of access to **lots** not fronting that **street**.

Street, Local

A **public street** that provides for low volume traffic circulation and direct access to abutting properties (residential, commercial, and industrial). Through-traffic movement is usually deliberately discouraged.

Street, Private

An improved area other than a **driveway**, which is located on private property, used primarily for purposes of vehicular **travel**, and has not been dedicated or otherwise accepted as a public **right-of-way** by an appropriate governmental entity.

Street, Public

A dedicated public **right-of-way** used primarily for purposes of vehicular **travel**, including the pavement, median, curb and/or shoulder, that has been dedicated to or otherwise accepted by the appropriate governmental entity.

Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **structures** include **arbors**, **billboards**, **buildings**, **carports**, **decks**, **fences**, **gazebos**, loading docks, **manufactured homes**, **porches**, **storage tanks**, **satellite dishes**, **swimming pools**, and **walls**. The term does not include construction or features such as **driveways**; earth berms or mounds; on-grade **patios**; parking areas; ponds or detention areas; sidewalks; sanitary or **hazardous waste** landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; vegetation; or similar natural features and/or man-made construction.

Structure, Primary (see Building, Primary)

Structure, Temporary

A trailer, mobile unit, or other **structure** intended to be placed on a **lot**, **tract**, or **development site** for a limited period of time.

Studio

An area or facility used for the production/creation of or **instruction** in art, crafts, music, painting, photography, sculpture, or similar activities.

Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **Exempt Division of Land** pursuant to §157.303(C)(2). The following classifications shall also be included under this definition:

(1) Subdivision, Major

A **subdivision** of land meeting the definition of a **Major Subdivision** in Section 157.303(C)(4).

(2) Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §157.303(C)(3).

FORT WAYNE ZONING ORDINANCE

Substantial Change

For the purposes of plan review and approval, a change in or to: access point numbers or **significant** change in location; the number of **buildings**; the number or size of **lots/parcels**; or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan.

Substantial Damage (see Floodplain Management definitions)

Substantial Improvement (see Floodplain Management definitions)

Supermarket (See “Grocery Store”)

Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

Synagogue (see “Religious Institution”)

Tavern (see “Bar”)

Television Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music, videos, television, and other related media.

Temple (see “Religious Institution”)

Temporary Use

A **temporary** or seasonal **use** intended to occupy a **lot, tract, or development site** for up to seven (7) days (or as otherwise specified in this ordinance) per event.

Tennis Court

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tire Sales

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

Top Roof Line

The principal top edge of the roof of a **building**.

Townhouse Complex

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

FORT WAYNE ZONING ORDINANCE

Townhouse Structure

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

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier. To permit more than one user at a time, the trail shall be a minimum of 10 feet wide.

Transition

For purposes of **sign** regulation, a visual effect used on a **changeable copy sign** to change from one message to another.

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **Special Use** on **lots** which adjoin an arterial roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals.

Trellis

A **structure** of open latticework, typically used as a support for vines and other plants.

Truck Depot/Terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck **storage**, maintenance, and administrative offices.

FORT WAYNE ZONING ORDINANCE

Truck Fueling Station

A facility where gas and other supplies are sold, where the gas dispensing facilities are designed to primarily service semi-trailer or tractor trailer truck vehicles. A **truck fueling station** would not offer **accessory uses** such as overnight accommodations, shower facilities, or **restaurant** facilities. A **truck fueling station** may include a **convenience store**. For the purposes of determining permitted **uses**, a compressed natural gas fueling station shall be considered a **truck fueling station**.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. A **truck stop** may also include overnight accommodations, showers and **restaurant** facilities primarily for the **use** of truck crews.

Universally Permitted Use

Universally permitted uses are land **uses** that are permitted in any **zoning district** within Fort Wayne's **planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to 4 feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein);
- (2) an **open fence** of up to 4 feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein, in conjunction with a vacant **lot**, or an existing proposed **primary use** parking area;
- (3) a fire station, **police station**, other similar public safety use, or other publicly-owned building supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private non-profit), excluding parking areas or **structures** available for public use;
- (5) an off-site parking area for a **religious institution** or a **school**, if located directly across an **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including parking areas, and **structures**;
- (7) a private garden (including an **open fence** of up to 4 feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein);
- (8) a **religious institution**; and
- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

FORT WAYNE ZONING ORDINANCE

Unrelated Persons

Two (2) or more **persons** occupying a **single dwelling unit** who are not related by blood, marriage or adoption.

Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

Use, Nonconforming (see “Nonconforming Use”)

Use, Nonresidential

A commercial, industrial, or institutional **use**, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within **building(s)** or **structure(s)** or on a **lot**, **tract**, or **development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling unit** must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for residential facilities for the **developmentally disabled** or **mentally ill**, or a **residential facility (other)**, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

Utility Fixture (see “Utility Fixture, Accessory”)

Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **onsite sewage system** or septic tank covers, pumps, inspection pipes, utility connection enclosure boxes, or well heads.

Utility Facility, Private

Buildings, **structures**, or other facilities used or intended to be used by any private utility other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Runway (see Airport Overlay District definitions)

FORT WAYNE ZONING ORDINANCE

Veterinary Clinic (see “Animal Hospital”)

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement

Wall

The vertical exterior surface of a **building** or **structure**.

Wall, Freestanding (see “Fence”)

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a self-service **storage** (mini-warehouse) facility.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed 10 days) and/or treatment of certain hazardous and non-hazardous waste.

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Watershed (see Floodplain Management definitions)

Watershed, Immediate (see Floodplain Management definitions)

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business **users**, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; truck, or air freight **terminals**; bus barns; **parcel** services; major post offices; grain **terminals**; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see Airport Overlay District definitions)

FORT WAYNE ZONING ORDINANCE

Wind Energy Conversion System (WECS)

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Wind Energy Conversion System, Micro

A **building**-mounted wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than 12 feet above the highest point of the roof.

Wind Energy Conversion System, Standard

A **wind energy conversion system** that has a nameplate capacity (manufacturer's rating) between 10 and 50 kilowatts per system, a total system height of 60 feet or less, and a swept area of 40 feet or less.

Wind Energy Conversion System Swept Area

The diameter of the smallest circle encompassing the blades of a **wind energy conversion system**.

Wind Energy Conversion System Height

The distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

Window

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

Wind Tower

A freestanding **structure** that supports the energy capture, conversion, **storage** and transfer components of a **wind energy conversion system**.

Yard

A space on the same **lot** with a main **building**, open, unoccupied and unobstructed by **structures**, except as otherwise provided in this ordinance.

Yard, Front

A **yard** extending across the full width of the **lot**, the depth of which is the least distance between the **street right-of-way** line and the **building** line.

Yard, Internal Side

On a **corner lot**, the **side yard** that does not abut a **street right-of-way**.

FORT WAYNE ZONING ORDINANCE

Yard Light

A fixture intended to provide illumination to a certain area or a portion of a **lot**

Yard, Rear

A **yard** extending across the full width of the **lot** between the rear of the **primary building** or **structure** and the **rear lot line**, the depth of which is the least distance between the **rear lot line** and the rear of the **primary building** or **structure**. If the **rear lot line** is less than ten (10) feet long, or the **lot** comes to a point at the rear, the required **rear yard** shall be measured from a line where the rear of the **lot** is ten (10) feet wide and parallel or tangent to the front **street** line.

Yard, Side

A **yard** between the **primary building** or **structure** and the **side lot line**, extending from the **front yard** or **front lot line** where no **front yard** is required, to the **rear yard**. The width of the required **side yard** is measured horizontally, at ninety (90) degrees with the **side lot line**, from the nearest point of the **side lot line** to the nearest part of the **primary building** or **structure**.

Yard Sale

A sale of personal property to the general public on any portion of a residential property, including properties in nonresidential **zoning districts** that are used for residential purposes. This definition shall also include all sales entitled **garage, patio, carport**, basement, **porch, driveway**, rummage, estate, moving and the like.

Zone A (see Floodplain Management definitions)

Zone AE (see Floodplain Management definitions)

Zone AH (see Floodplain Management definitions)

Zone AO (see Floodplain Management definitions)

Zoning Administrator

The person appointed by the Fort Wayne and/or Allen County Plan Commission to enforce and administer the provisions of this ordinance.

Zoning District

Delineated areas within the **planning jurisdiction** of the **City** of Fort Wayne, as shown on the adopted zoning maps, in which the regulations of this ordinance apply.

Zoo

A facility where animals are kept for indoor or outdoor viewing by the public. Office, retail, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.