

#ZORD-2022-0001

BILL NO. Z-22-06-01

ORDINANCE NO.

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

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

SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through 157.224 (Zoning Districts); Section 157.301 (Development Plans); Section 157.302 (Site Plan Review); 157.303 (Subdivision Control); Section 157.402 (Accessory Structures and Uses); Section 157.403 (Temporary Buildings, Structures and Uses); Section 157.404 (Development Design Standards), Section 157.407 (Parking); Section 157.412 (Floodplain); Section 157.503 (Procedures); and Section 157.506 (Definitions) are hereby amended as follows.

Amendment DS2 – 157.203(B)(6) through 157.211(B)(6)

The tables refer to single family residence, while the definition refers to "dwelling, single family (detached)" and the permitted use refers to "single family dwelling (detached)"; revise the tables to refer to "single family dwelling" (in the A1, A3, AR, R1, R2, R3, RP, MHS, and MHP districts).

Amendment ACC1 – 157.203(D) through 157.224(D)

There is an issue with the existing integrated accessory dwelling unit language; update the language to "(1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet." in each zoning district.

Amendment DS2 – 157.203(E)(1) through 157.211(E)(1)

The current residential district development standards tables include a minimum Building Size square footage for Single Family Dwellings of 950 square feet; revise the residential development standards tables to change the minimum "building size" from "950" square feet to "700" square feet (in the A1, A3, AR, R1, R2, R3, RP, MHS, and MHP districts).

Amendment DS3 – 157.203(E)(1)

There is a conflict with existing language in the AR Development Standards table stating an accessory building shall also be permitted as a primary building on lots over five (5) acres. This is a special use in the AR district; delete: "; plus: On lots of over five (5) acres, an accessory building shall also be permitted, as the primary building" from the development standards table.

Amendment DS1 - 157.203(E)(1) through 157.210(E)(1)

A question has come up as to what the minimum lot width at front lot line should be; remove 25' and 120' at front lot line standard from Lot Width from the applicable residential districts (in the A1, A3, AR, R1, R2, R3, RP and MHS districts). Revised the tables to make them easier to read.

Amendment DS6 - 157.203(E)(1) through 157.210(E)(1)

It is unclear how to determine the front yard setback for parcels which are flag lots; Add a front yard standard for flag lots: "30' Flag lots shall have two (2) required front yards (see definition of lot line, front)" (in the A1, A3, AR, R1, R2, R3, RP and MHS districts).

Amendment YP1 - 157.203(E)(2) through 157.224(E)(2)

There is an issue with how stoops are treated for projection purposes; the "Additional Yard

Location and Yard Projection Standards” tables were amended to state where stoops shall be permitted to project in front, rear, and side yards (in each zoning district).

Amendment DS4 – 157.207(E)(1) through 157.209(E)(1)

There is an issue with the current lot area and width requirements for attached single family lots; add a provision to the R2, R3, and RP district development standards tables allowing attached single family lots to be a minimum of 25 feet wide and 3,000 square feet in area for interior lots, and a minimum of 50 feet wide and 6,000 square feet in area for corner lots (in the R2, R3 and RP districts).

Amendment PUR1 – 157.208(A) through 157.209(A)

The issue is there are regulatory standards in the R3 and RP zoning district purpose statements; remove “Certain additional professional office and commercial uses may also be permitted, if approved by the Board of Zoning Appeals (see §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).” (in the R3 and RP districts).

Amendment DS6 – 157.208(E)(1) through 157.211(E)(1)

There are recreation space standards in the R3, RP and MHP districts; remove the R3, RP and MHP “Multiple family complex building recreation space” requirement (in the R3, RP and MHP districts).

Amendment PU1 – 157.211(B)(4)

Type II Manufactured Home is not listed as a permitted use in the MHP district; add Type II Manufactured Home to the MHP permitted uses.

Amendment PU2 – 157.212(B) through 157.224(B)

The current use categories cause confusion and conflicts with the permitted use tables; delete use categories in C and I districts. Update or delete category definitions relative to parking requirements and special use provisions as necessary (references to specific permitted, special uses, and notes for each section were updated throughout these districts for clarification).

Amendment PU3 – 157.212(B) through 157.224(B)

Multiple family developments are permitted in most of the nonresidential zoning districts, but the multiple family standards are only in the R3 and RP districts. It is not clear how the multiple family standards are applicable in a nonresidential district; add provisions to the permitted use tables in the applicable nonresidential district standards to state that the perimeter setback and building separations standards for multiple family complexes shall apply in the nonresidential districts by adding a note (see below) to the Multiple family complex, Multiple family dwelling, and Townhouse complex permitted uses. Note: “See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))” (in the C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2 and I3 districts).

Amendment PU4 – 157.213(C) through 157.224(B)

It is not clear where a micro distillery and a micro winery are permitted; align micro distillery with micro-brewery permitted and special uses; revise the definition for micro distillery to clarify amount permitted; include ‘wine (mead, cider, etc.)’ in the micro-brewery definition. As a part of this, the definition of Micro Winery will be removed from the permitted use and special use lists within the districts (in the C2, NC, SC, C3, C4, DC, DE, UC, I1, I2 and I3 districts).

Amendment PU5 – 157.213(C) through 157.215(C)

The issue of whether an outdoor concert would be a permitted use in the NC or SC districts has been raised; add “(indoor)” to the entertainment facility permitted use in the C2, NC. Add “(including outdoor)” to the SC district.

Amendment PU6 – 157.215(C) through 157.224(B)

The location of the residential impact mitigation standards causes confusion; incorporate the

existing residential impact mitigation standard for gas station canopies by adding to the Gas station permitted uses – add a note to the SC, C3, C4, and I3 districts: “No gas station canopy shall be located between the primary building and a residential district” (in the SC, C3, C4 and I3 districts).

Amendment PU7 – 157.223(B) through 157.224(B)

There are questions about the current animal slaughter house and animal processing provisions; add “(includes skins, hides, or reduction of animal matter)” to the Animal Products line of “Processing Facility” to the AC and FW I2 and I3 districts. Add Animal Slaughter House (Indoor) as a permitted use to the AC and FW I2 districts, and also add Animal Slaughter House (outdoor) as a special use in the I2 districts. Add Animal Slaughter House to the I3 districts.

Amendment DP1 – 157.301(B)(1)

The multiple buildings and phased construction development plan table language is not clear; In 157.301(B)(1) change the second row language to: “Projects proposing more than one new primary building on a single lot or development site” and change the third row language to: “Projects proposing the phased construction of infrastructure or streets”.

Amendment SPR1 – 157.302(G)(5)(a) through 157.302(G)(5)(a)

The validity of a site plan review ILP application is not the same as a non-site plan review ILP application; change validity of site plan review ILP application to six months (instead of 12) in 157.302(G)(5)(a). Add: “If the applicant has not requested an extension, DPS staff may void the application”: to 157.302(G)(5)(a) and (b).

Amendment SC1 – 157.303(C)(2)(ii)

Some previous projects sold off individual units after final approval, revise the exempt divisions of land language to allow this for projects that have been approved through the development plan process; revise to: (ii) The conveyance of land located within a Development Plan where: [A] The Commission has granted secondary approval; and [B] Improvement Location Permits and Certificates of Compliance have been issued for the entire development.

Amendment AU1 – 157.402(B)(4)(a)(iii)

There is a question about the use of “or as otherwise approved by PC”; delete the phrase “or as otherwise approved by PC”.

Amendment TEMP1 – 157.403(B) through 157.403(E)

The Building Department and Fire Department and DPS have different standards for temporary tents; align the standards by changing the Temporary Special Event timeframe to thirty (30) days and adding “public rights-of-way” to the provisions, and revising the Temporary Tent language to remove the “of up to 200 square feet” tent size limit from the residential districts and increase the permitted days for each event from 14 to 30 in the residential and nonresidential districts.

Amendment DDS1 – 157.404(B)

There is an issue with the applicability checklist having incorrect checkmarks; the lists were reviewed, aligned and marked correctly as needed with the appropriate checkmarks.

Amendment DDS3 – 157.404(C)(2)(c)

There has been a concern raised regarding the number of lots permitted per one entrance to a subdivision; change Fort Wayne standard from: “every fifty (50) residential lots” to: “every two hundred (200) residential lots”.

Amendment DDS6 – 157.404(L)

The Fort Wayne Zoning Ordinance has open space and recreation amenities standards which are not aligned with Chapter 158 of City Code; delete the standards in 157.404(L) except for “The requirements of chapter 158 of the Fort Wayne Code apply.”

Amendment DDS8 – 157.404(O)(2)(b)

The location of the residential impact mitigation standards causes confusion; removed “No gas

station or convenience store canopy shall be located between the primary structure and any lot line with a protected district"; this standard was incorporated into the SC, C3, C4 and I3 districts.

Amendment PARK1 – 157.407(D)(1)(d)

There have been issues with parking for cemeteries; add cemetery to the Minimum Off-Street Parking Requirements exclusions.

Amendment FP1 – 157.412

The Indiana Department of Natural Resources has updated the State Model Floodplain Ordinance and has directed staff to update local floodplain regulations; the entire section Fort Wayne Floodplain 157.412 will be repealed and replaced.

Amendment PRO1 – 157.503(B)(1)(b)

There is an issue with prohibiting ornamental fences over a platted front building line; remove the words "or rear" and add the words "except ornamental fences" to the Improvement Location Permit General Provisions.

Amendment PRO2 – 157.503(B)(1)(b)

There is an issue with prohibiting open porches, open porches, or stoops over a platted front building line; add the words "and open decks, open porches, or stoops" to the Improvement Location Permit General Provisions.

Amendment PRO3 – 157.503(B)(2)

There is an issue with how stoops are treated for permitting purposes; to make it clear that stoops shall not require an improvement location permit, stoop has been added to the "Improvement Location Permit Exclusions" table.

Amendment PRO4 – 157.503(D)(1)

There is an issue with the Special Uses tables not being in alignment with the listed special uses throughout the zoning districts; the Special Use tables have been updated and aligned as a part of the removal of the permitted use categories.

Amendment DEF1 – 157.506(B)

Definition of Accessory Use: There have been issues with people proposing "accessory uses" to existing nonresidential uses which are not permitted primary uses (e.g. automobile washing facilities); add to the definition of accessory use a new number (5) "is a permitted use in the applicable zoning district".

Amendment DEF3 – 157.506(B)

Definitions of Brewery (Micro): It is not clear where a micro distillery and a micro winery are permitted; align micro distillery with micro-brewery permitted and special uses; revise the definition for Brewery (Micro) to include "mead" in the micro-brewery definition, and also add: A micro winery or similar use shall also be included under this definition."

Amendment DEF4 – 157.506(B)

Definition of Child Care Home: There is an issue with the definition of Child Care Home in that it does not say that the provider whose primary residence the home is, is the person who holds the state license; revise the definition of Child Care Home to: "A residential building in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) receive child care from a licensed child care provider; the child care provider shall live on the property."

Amendment DEF5 – 157.506(B)

Definition of Sexually Oriented Business: It is not clear that a sexually oriented business is not intended to be permitted as a private club; add "Any use that meets the definition of "sexually oriented business" as defined in Chapter 121.02 of the Municipal Code of the City of Fort Wayne shall not be considered a Private Club." to the definition of Private Club.

Amendment DEF6 – 157.506(B)

1 Definition of Distillery (Micro):

2 It is not clear where a micro distillery and a micro winery are permitted; align micro distillery with
3 micro-brewery permitted and special uses; revise the definition for micro distillery to clarify
amount permitted - add: "Annual production will typically not exceed 10,000 barrels per year."

4 Amendment DEF7 – 157.506(B)

5 Definition of Dwelling, Two Family: There is an issue with the 950 square foot development
6 standard in the definition of Dwelling, Two Family; revise the 950 square foot standard to 700
square feet in the definition.

7 Amendment DEF10 – 157.506(B)

8 Definition of Emergency Shelter – It is not clear what the difference between a homeless shelter
9 and an emergency shelter is; the definition of Homeless/Emergency Shelter was separated to
create a definition for Emergency Shelter.

10 Amendment DEF8 – 157.506(B)

11 Definition of Home Business: The definition of Home Business does not include the word
12 "instruction"; in the last sentence in the definition, add "instruction" so it reads
"instruction/teaching/ tutoring/music lessons."

13 Amendment DEF9 – 157.506(B)

14 Definition of Home Workshop: There has been an issue with allowing certain contracting
15 businesses as home workshops, such as: roofing, snow removal and landscaping; remove
"contracting" from the definition of Home Workshop.

16 Amendment DEF10 – 157.506(B)

17 Definition of Homeless Shelter: It is not clear what the difference between a homeless shelter
18 and an emergency shelter is; the definition of Homeless/Emergency Shelter was separated to
create a definition for Homeless Shelter. Also, updated and revised all references to Homeless
shelter throughout ordinance.

19 Amendment DEF12 – 157.506(B)

20 Definition of Lot, Corner: The ordinance is not clear as to how to deal with L shaped lots that
21 have frontage on two different streets; Revise Lot, Corner to: "A lot at the junction of an abutting
22 two or more interesting streets, or a lot that borders the corner lot that has frontage on the same
two streets". A new graphic was added to this definition.

23 Amendment DEF13 – 157.506(B)

24 Definition of Lot Line, Front: It is unclear how to determine the front yard setback for parcels
25 which are flag lots; revise the definition of Lot Line, Front as follows: replace - "For flag lots, the
26 front lot line shall be the lot line which is roughly parallel with the street." With - "Flag lots shall
27 have two (2) required front yards, measured as shown below." A new graphic was added to this
definition.

28 Amendment DEF14 – 157.506(B)

29 Definition of Manufactured Home Type II: There is an issue with the 950 square foot
30 development standard in the definition of Manufactured Home Type II; change the Manufactured
Home Type II definition square footage standard from 950 to 700.

Amendment DEF15 – 157.506(B)

Definition of Medical Facility or Office: Several non-medical office uses are included under the
definition of Medical Office; revise the definition of "Medical Facility or Office" to "Medical Office";
remove hospice care center, health center, hospital, nursing home, laboratory, rehabilitation
facility and treatment center from the definition of "Medical Office"; delete the definition of
"Rehabilitation Facility". The "Health Center" and "Rehabilitation Facility" permitted uses have
been removed

Amendment DEF17 – 157.506(B)

1 Definition of Stoop: There is currently no definition of the term stoop; a definition of stoop has
2 been added to the definitions.

3 Amendment DEF16 – 157.506(B)

4 Definition of Substantial Change: There is confusion over the application of the term “substantial
5 change” relative to BZA requests; add “For the purposes of Board of Zoning Appeals
6 reconsideration of a request, the term shall include a change in the use that was previously
7 denied.”

8
9 SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full
10 force and effect starting on September 1, 2022.

11
12 _____
13 Council Member

14 APPROVED AS TO FORM AND LEGALITY:

15 _____
16 Malak B. Heiny, City Attorney
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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	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into an existing single family detached residence dwelling, and if there is no freestanding accessory dwelling unit on the property; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL USES	All Subsequent Applicable Accessory Buildings, Structures, and Uses Tables Will Be Updated as Shown		ACCESSORY USES
Basketball backboard and goal			Athletic or recreation fields (non-illumined)
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/fire pit			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)
Shed			Performances (indoor)
Smoke house/oven (outdoor)			Shop (for sale of religious institution related items)
Tree house			
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 dwelling residencee	950-700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site 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 (5) acres, an accessory building shall also be permitted, as the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted: one primary single family detached residential building per lot, plus: One freestanding accessory dwelling unit , if there is no integrated accessory dwelling unit on the lot	
Multiple primary nonresidential 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 (at front building line)	
Private sewage disposal	120' at front building line
Public sewer	75' at front building line ; 25' at front lot line
Front yard	
Platted lot	25' (or platted front building line , whichever is greater)
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
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: • 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' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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, 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 or , 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, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	<u>Permitted ⁽²⁾</u>	<u>May project up to 4' ⁽³⁾</u>	<u>Permitted ⁽²⁾</u>
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	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 non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

All Subsequent Residential Additional Yard Location and Yard Projection Standards Tables Will Be Updated as Shown

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 <u>dwelli</u> ng	700950 ⁽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 nonresidential 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 <u>(interior lot)</u>	6,000 (interior lot) 8,500 (corner lot)	
<u>Public sewer (corner lot)</u>	8,500	
Lot width		
	Front Building Line	Front Lot Line
Private sewage disposal	120' <u>at front building line</u>	120'
Public sewer <u>(interior lot)</u>	50' (interior lot) <u>at front building line</u> 70' (corner lot)	25' 25'
<u>Public sewer (corner lot)</u>	70' <u>at front building line</u>	
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
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	
<u>Flag Lot</u>	30' <u>Flag lots shall have two (2) required front yards (see definition of lot line, front)</u>	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to , except that: • 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' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

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 dwelling residencee	700950 ⁽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 nonresidential 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)	
	<u>Detached Single Family Dwelling</u>	<u>Attached Single Family Dwelling</u>
Private sewage disposal	87,120 (2 acres)	
Public sewer <u>(interior lot)</u>	6,000 (interior lot) 8,500 (corner lot)	3,000
Public sewer <u>(corner lot)</u>	8,500	6,000
Lot width <u>(at front building line)</u>		
	<u>Front Building Line</u> <u>Detached Single Family Dwelling</u>	<u>Front Lot Line</u> <u>Attached Single Family Dwelling</u>
Private sewage disposal	120' <u>at front building line</u>	
Public sewer <u>(interior lot)</u>	50' (interior lot)	25'
Public sewer <u>(corner lot)</u>	70' (corner lot)	2550'
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback, whichever is greater)	
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	
<u>Flag Lot</u>	30' <u>Flag lots shall have two (2) required front yards (see definition of lot line, front)</u>	
Through lot	At each end of the lot, based on the street classification/type the yard is adjacent to, except that: 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' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

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 (2) 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

(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 dwelling residencee	700950 ⁽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 residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	<u>Detached Single Family Dwelling</u>	<u>Attached Single Family Dwelling</u>
Private sewage disposal	87,120 (2 acres)	
Public sewer (<u>interior lot</u>)	6,000 (interior lot)	3,000
<u>Public sewer (corner lot)</u>	8,500 (corner lot)	6,000
Lot width (<u>at front building line</u>)		
	<u>Detached Single Family Dwelling</u> Front Building Line	<u>Attached Single Family Dwelling</u> Dwelling Front Lot Line
Private sewage disposal	120' 120'	
Public sewer (<u>interior lot</u>)	50' (interior lot)	25'
<u>Public sewer (corner lot)</u>	70' (corner lot)	50'25'
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
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	
<u>Flag Lot</u>		30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • 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' 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	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • 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' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height 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 building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Multiple family complex building recreation space	
120 square feet of developed recreation space per dwelling	
Notes: (1) Excluding basement and attached garage area (2) See §157.405(C) (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 addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less. (5) Excluding swimming pools (6) If located behind the primary building	

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 (2) 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

(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 dwelling residencee	700950 ⁽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 residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	<u>Detached Single Family Dwelling</u>	<u>Attached Single Family Dwelling</u>
Private sewage disposal	87,120 (2 acres)	
Public sewer <u>(interior lot)</u>	6,000 (interior lot)	3,000
<u>Public sewer (corner lot)</u>	8,500 (corner lot)	6,000
Lot width <u>(at front building line)</u>		
	<u>Detached Single Family Dwelling</u> Front Building Line	<u>Attached Single Family Dwelling</u> Front Lot Line
Private sewage disposal	120' 120'	
Public sewer <u>(interior lot)</u>	50' (interior lot)	25'
<u>Public sewer (corner lot)</u>	70' (corner lot)	<u>50</u> 25'
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
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	
<u>Flag Lot</u>	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • 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' 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	15'
Public sewer	5'
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: - 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' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. - For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height 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 building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Multiple family complex building recreation space	
+20 square feet of developed recreation space per dwelling	
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 addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

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 dwelling residence	700950 ⁽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 nonresidential 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 (interior lot)	6,000 (interior lot)	
Public sewer (corner lot)	8,500 (corner lot)	
Lot width (at front building line)		
	Front Building Line	Front Lot Line
Private sewage disposal	120'	120'
Public sewer (interior lot)	50' (interior lot)	25'
Public sewer (corner lot)	70' (corner lot)	25'
Front yard ⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
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	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: 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' of the proposed residence		The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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 II;**

(4)(5) **Manufactured home, Type III;** and

(5)(6) **Universally permitted use.**

FORT WAYNE ZONING ORDINANCE

(D) Development Standards

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 dwelling residence	700 950
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) (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

§ 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	Studio	

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES

Accessory building/structure/use

Accountant

Adoption service

Adult care center

Adult care home

Advertising

Alteration service

Answering service

Appraiser

Architect

Art instruction

Artist studio

Assisted living facility

Attorney

Auction service

Audiologist

Audio-visual **studio**

Bank

Bankruptcy service

Barber shop

Barber/beauty school

Beauty shop

Bed and breakfast

Blood bank

Blood or plasma donor facility

Boarding ~~lodging~~ house

Bookkeeping service

Broadcast **studio**

Broker

Business **training**

Campus housing (off-site)

Child care center

FORT WAYNE ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Child care home (class I or II)	
Chiropractor	
Clinic	
Collection agency	
Clothing alterations	
Community center	
Community garden	
Computer training	
Consulting service	
Copy or duplicating service	
Correctional services facility	
Counseling service	
Craft instruction	
Craft studio	
Credit service	
Credit union	
Customer service facility	
Dance instruction	
Data processing facility	
Data storage facility	
Dating service	
Day care	
Day spa	
Dentist	
Diagnostic center	
Dialysis center	
Doctor	
Dormitory	
Driving instruction	
Educational institution	
Embroidery	
Employment agency	
Engineer	
Finance agency	
Financial planning service	
Fire station	
Fitness center	
Foundation office	
Fraternity house	
Funeral home	
Graphic design service	
Group residential facility (large) ⁽²¹⁾	
Group residential facility (small)	
Gymnastics instruction	
Health center	
Health club	
Homeless emergency shelter ⁽²¹⁾	
Hospice care center	
Hospital	
Insurance agency	
Interior design service	

FORT WAYNE ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Internet web site service	
Investment service	
Laboratory	
Land surveyor	
Legal service	
Library	
Live-work unit	
Loan office	
Marketing agency	
Martial arts training	
Massage therapy	
Medical training	
Model unit	
Mortgage service	
Multiple family complex ⁽⁴⁾	
Multiple family dwelling ⁽⁴⁾	
Museum	
Music instruction	
Music recording studio	
Nail salon	
Nature preserve	
Neighborhood facility	
Nursing home	
Nutrition service	
Ophthalmologist	
Optician	
Optometrist	
<u>Painting studio</u>	
Park or recreation area	
Parking area (off-site) ⁽³²⁾	
Photography studio	
Photography training	
Physical therapy facility	
<u>Pilates instruction</u>	
Planetarium	
Planner	
Podiatrist	
Police station	
Public transportation facility	
Radio station	
Realtor Real estate	
<u>Recording studio</u>	
Rehabilitation facility	
Religious institution/school field	
Residential dwelling unit ⁽⁴³⁾	
Residential facility for homeless individuals (up to 8) ⁽²¹⁾	
Retirement facility	
Savings and loan	
School	
<u>Sculpture studio</u>	
Security service	

FORT WAYNE ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Sleep disorder facility	
Social service agency	
Sorority house	
Stained glass studio	
Stock and bond broker	
Surgery center	
Tailor/ alteration service	
Tanning salon	
Tax consulting	
Television station	
Title company	
Townhouse complex ⁽⁴⁾	
Travel agency	
Treatment center	
Tutoring service	
<u>Universally permitted use</u> ⁽²⁾	
Veterinary clinic <u>(indoor)</u>	
<u>Website service</u>	
Wedding consultant	
Weight loss service	
Wind energy conversion system (micro) ⁽²¹⁾	
Yoga/ Pilates instruction	
Zoo	

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Notes:	
(1)	<u>If not adjacent to a residential district</u>
(2)	<u>See universally permitted use definition for additional standards</u>
(1) (3)	<u>Above, to the rear of, or attached to a permitted nonresidential use</u>
	<u>If not adjacent to a residential district</u>
	<u>See universally permitted use definition for additional standards</u>
(2) (4)	<u>See multiple family building and complex perimeter setback and building separation requirements in R3 district</u>
	<u>(157.208(E)(1))</u>

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 or 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, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	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⁾
Stoop	<u>Permitted ⁽¹⁾</u>	<u>May project up to 4' ⁽²⁾</u>	<u>Permitted ⁽¹⁾</u>
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	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' in height			

All Subsequent Nonresidential Additional Yard Location and Yard Projection Standards Tables Will Be Updated as Shown

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 or defined, all **primary uses** shall be conducted indoors. In C2 **districts**, **outdoor display** shall be permitted within ten (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; and be located on a paved or permitted gravel surface.

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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Air conditioning sales
Alteration service
Animal grooming (indoor)
Animal hospital (indoor)
Animal kennel (indoor)
Animal obedience school (indoor)
Answering service
Antique shop
Apparel and accessory store
Appliance store
Appraiser
Arcade
Architect
Art gallery
Art instruction

FORT WAYNE ZONING ORDINANCE

Artist material and supply store
Artist studio
Assisted living facility
Attorney
Auction service
Audiologist
Audio-visual studio
Automatic teller machine
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
Banquet hall
Bar or tavern
Barber shop
Barber/beauty school
Beauty shop
Bed and breakfast
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding/ lodging house
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
Broadcast studio
Broker
Business training
Campus housing (off-site)
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/tobacco/cigar Tobacco store
Clinic
Clock/watch/jewelry sales/repair Clock sales
Clothing alterations
Clothing store
Clothing rental
Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden (incl <u>uding</u> outdoor)

FORT WAYNE ZONING ORDINANCE

Computer sales and service
Computer software store
Computer training
Confectionery/candy/ice cream store <u>Candy store</u>
Consignment shop
Consulting service
Consumer electronics sales/ service
<u>Consumer electronics service</u>
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
<u>Distillery (micro)</u>
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility <u>(indoor)</u>
Fabric shop
Farmers market (incl <u>uding</u> outdoor <u>sales</u>)
Finance agency
Financial planning service
Fireworks sales <u>(indoor)</u>
Fitness center
Flea market <u>(indoor)</u>
Floor covering store
Florist

FORT WAYNE ZONING ORDINANCE

Foundation office
Fraternity house
Fruit and/or vegetable store (<u>indoor</u>)
Funeral home
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Group residential facility (large) ⁽²¹⁾
Group residential facility (small)
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club
Heating sales
Hobby shop
<u>Home improvement business</u>
<u>Home repair</u>
Homeless/emergency shelter ⁽²¹⁾
Hospice care center
Hospital
<u>Hot tub sales</u>
Hotel
<u>Household appliance store</u>
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet/ web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Laundromat
Leather goods or luggage store
Legal service
Library
Live-work unit
Loan office
<u>Luggage store</u>
Marketing agency
Martial arts training
Massage therapy
Meat or fish market
<u>Medical supply sales</u>
Medical training
Model unit
Mortgage service

FORT WAYNE ZONING ORDINANCE

Motel
Movie rental
Movie sales and game sales and rental
Multiple family complex ⁽⁴⁾
Multiple family dwelling ⁽⁴⁾
Museum
Music instruction
Music store
Music/ recording studio
Musical instrument store
Nail salon
Neighborhood facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
Painting studio
Park or recreation area
Parking area ⁽²¹⁾
Parking area (off-site) ⁽²²⁾
Parking structure
Pet store
Pharmacy
Photography/ ie supply store
Photography training
Photography studio
Physical therapy facility
Picture framing facility
Pilates instruction
Planetarium
Planner
Podiatrist
Pottery sales
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
Recording studio
Recreation facility ⁽²¹⁾
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽⁴³⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽²¹⁾
Restaurant, including drive-through
Retirement facility
Sandwich shop
Savings and loan
School
Sculpture studio

FORT WAYNE ZONING ORDINANCE

Security service
Shoe store/shoe repair shop
Shoe store
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stained glass studio
Stock and bond broker
Surgery center
Swim club
Swimming pool hot tub sales
Tailor alterations service
Tanning salon
Tattoo establishment
Tavern
Tax consulting
Taxi service
Tea room
Telephone sales and service
Telephone service
Television station
Tennis club
Theater
Tire sales
Title company
Townhouse complex ⁽⁴⁾
Toy store
Travel agency
Treatment center
Tutoring service
Universally permitted use ⁽²⁾
Variety store
Veterinary clinic (indoor)
Watch sales
Website service
Wedding consultant
Weight loss service
Wind energy conversion system (micro) ⁽²¹⁾
Window sales
Yoga Pilates instruction
Zoo

FORT WAYNE ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) See **universally permitted use** definition for additional standards
- (1)(3) Above, to the rear of, or attached to a permitted **nonresidential use**
If not **adjacent** to a **residential district**
See **universally permitted use** definition for additional standards
- (2)(4) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))

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 ten (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; and be located on a paved or permitted gravel surface. 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 or defined, 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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Air conditioning sales
Animal grooming (indoor)
Animal hospital (indoor)
Animal kennel (indoor)
Animal obedience school (indoor)
Answering service
Antique shop
Apparel and accessory store
Appliance store
Appraiser

FORT WAYNE ZONING ORDINANCE

Arcade
Architect
Art gallery
Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Attorney
Auction service
Audiologist
Audio-visual studio
Automatic teller machine
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
Banquet hall
Bar or tavern
Barber shop
Barber/beauty school
Beauty shop
Bed and breakfast
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding lodging house
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
Broadcast studio
Broker
Business training
Campus housing (off-site)
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/tobacco/cigar store Tobacco store
Clinic
Clock/watch/jewelry sales/repair Clock sales
Clothing alterations
Clothing rental
Clothing store
Club, private
Coffee shop

FORT WAYNE ZONING ORDINANCE

Coin shop
Collection agency
Community center
Community garden (incl <u>uding</u> - outdoor)
Computer sales and service
Computer software store
Computer training
Confectionery/candy/ice cream store <u>Candy store</u>
Consignment shop
Consulting service
Consumer electronics sales/ service
<u>Consumer electronics service</u>
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
<u>Distillery (micro)</u>
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility <u>(indoor)</u>
Fabric shop
Farmers market (incl <u>uding</u> - O outdoor <u>sales</u>)
Finance agency
Financial planning service
Fireworks sales <u>(indoor)</u>

FORT WAYNE ZONING ORDINANCE

Fitness center
Flea market <u>(indoor)</u>
Floor covering store
Florist
Foundation office
Fraternity house
Fruit and/or vegetable store <u>(indoor)</u>
Funeral home
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Group residential facility (large) ⁽²¹⁾
Group residential facility (small)
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club
Heating sales
Hobby shop
<u>Home improvement business</u>
<u>Home repair</u>
Homeless emergency shelter ⁽²¹⁾
Hospice care center
Hospital
Hotel
<u>Hot tub sales</u>
<u>Household appliance store</u>
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Laundromat
Leather goods or luggage store
Legal service
Library
Live-work unit
Loan office
<u>Luggage store</u>
Marketing agency
Martial arts training
Massage therapy
Meat or fish market

FORT WAYNE ZONING ORDINANCE

Medical supply sales
Medical training
Model unit
Mortgage service
Motel
Movie and game sales and rental
Movie sales
Multiple family complex ⁽⁴⁾
Multiple family dwelling ⁽⁴⁾
Museum
Music instruction
Music store
Music recording studio
Musical instrument store
Nail salon
Neighborhood facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
Painting studio
Park or recreation area
Parking area (off-site) ⁽³²⁾
Parking area ⁽²¹⁾
Parking structure
Pet store
Pharmacy
Photography studio
Photography ie supply store
Photography training
Physical therapy facility
Picture framing facility
Pilates instruction
Planetarium
Planner
Podiatrist
Pottery sales
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
Recording studio
Recreation facility ⁽²⁾
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽⁴³⁾
Residential facility for homeless individuals (up to 8) ⁽²¹⁾
Restaurant, including drive-through
Retirement facility

FORT WAYNE ZONING ORDINANCE

Savings and loan
<u>Sandwich shop</u>
School
<u>Sculpture studio</u>
Security service
<u>Shoe store</u>
Shoe store/shoe -repair shop
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stained glass studio
Stock and bond broker
Surgery center
Swim club
Swimming pool / hot tub sales
<u>Alteration service</u>
Tailor/ alterations service
Tanning salon
Tattoo establishment
<u>Tavern</u>
Tax consulting
Taxi service
<u>Tea room</u>
Telephone sales and service
<u>Telephone service</u>
Television station
Tennis club
Theater
Tire sales
Title company
Townhouse complex ⁽⁴⁾
Toy store
Travel agency
Treatment center
Tutoring service
<u>Universally permitted use</u> ⁽²⁾
Variety store
Veterinary clinic <u>(indoor)</u>
<u>Watch sales</u>
<u>Website service</u>
Wedding consultant
Weight loss service
Wind energy conversion system (micro) ⁽²¹⁾
Window sales
Yoga/ Pilates instruction
Zoo

FORT WAYNE ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES

Notes:

(1) If not **adjacent** to a **residential district**

(2) See **universally permitted use** definition for additional standards

+(3) Above, to the rear of, or attached to a permitted **nonresidential use**

If not **adjacent** to a **residential district**

See **universally permitted use** definition for additional standards

2)(4) See multiple family building and complex perimeter setback and building separation requirements in R3 district
(157.208(E)(1))

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 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; and be located on a paved or permitted gravel surface. 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 or defined, 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

Accountant

Adoption service

Adult care center

~~Adult care home~~

Advertising

Air conditioning sales

Animal grooming (indoor)

Animal hospital (indoor)

Animal kennel (indoor)

Animal obedience school (indoor)

Answering service

Antique shop

Apparel and accessory store

Appliance store

FORT WAYNE ZONING ORDINANCE

Appraiser
Arcade
Architect
Art gallery
Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Attorney
Auction service
Audiologist
Audio-visual studio
Automatic teller machine
Automobile accessory store <u>(indoor)</u>
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
<u>Banquet hall</u>
Bar or tavern
Barber shop
Barber/beauty school
Beauty shop
Bed and breakfast
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding lodging house
Boat/watercraft sales
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
<u>Broadcast studio</u>
Broker
Business training
<u>Campus housing</u> (off-site)
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/tobacco/cigar store Tobacco store
Clinic
Clock/watch/jewelry sales/repair Clock sales
<u>Clothing alterations</u>
<u>Clothing rental</u>
Clothing store

FORT WAYNE ZONING ORDINANCE

Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden (includ <u>ing</u> - outdoor)
Computer sales and service
Computer software store
Computer training
Candy store Confectionery/ice cream/candy
Consignment shop
Consulting service
Consumer electronics sales/ service
Consumer electronics service
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Distillery (micro)
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility (includ <u>ing</u> outdoor)
Fabric shop
Farmers market (includ <u>ing</u> - outdoor <u>sales</u>)
Finance agency

FORT WAYNE ZONING ORDINANCE

Financial planning service
Fireworks sales <u>(indoor)</u>
Fitness center
Flea market <u>(indoor)</u>
Floor covering store
Florist
Foundation office
Fraternity house
Fruit/vegetable store <u>(indoor)</u>
Funeral home
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Gas station ⁽¹⁾
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Group residential facility (large) ⁽²⁾⁽²⁾
Group residential facility (small)
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club
Heating sales
Hobby shop
<u>Home improvement store</u>
<u>Home improvement business</u>
<u>Home repair</u>
Homeless/emergency shelter ⁽²⁾⁽²⁾
Hospice care center
Hospital
<u>Hot tub sales</u>
Hotel
<u>Household appliance store</u>
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Landscape contracting service
Laundromat
Leather goods or luggage store
Legal service
Library
Live-work unit
Loan office

FORT WAYNE ZONING ORDINANCE

<u>Luggage store</u>
Marketing agency
Martial arts training
Massage therapy
Meat or /fish market
<u>Medical supply sales</u>
Medical training
Model unit
Mortgage service
Motel
Movie/ game sales and rental
<u>Movie sales</u>
Multiple family complex ⁽³⁾
Multiple family dwelling ⁽³⁾
Museum
Music instruction
Music store
Music/ recording studio
Musical instrument store
Nail salon
Neighborhood facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
<u>Painting studio</u>
Park or recreation area
Parking area (off-site) ⁽⁴³²⁾
Parking area ⁽²²¹⁾
Parking structure
Pet store
<u>Pharmacy</u>
<u>Photographic Photography</u> supply store
Photography training
<u>Photography studio</u>
Physical therapy facility
Picture framing facility
<u>Pilates instruction</u>
Planetarium
Planner
Podiatrist
Pottery sales
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
<u>Recording studio</u>
Recreation facility ⁽²²¹⁾
Rehabilitation facility
Religious institution/school field

FORT WAYNE ZONING ORDINANCE

Rental and/or leasing store
Residential dwelling unit ⁽⁺¹²⁵⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽²¹²⁾
Restaurant , including drive-through
Retirement facility
<u>Sandwich shop</u>
Savings and loan
School
<u>Sculpture studio</u>
<u>Seasonal sales</u>
Security service
<u>Shoe repair shop</u>
Shoe store/ shoe repair shop
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stained glass studio
Stock and bond broker
Surgery center
Swim club
Swimming pool / hot tub sales
<u>Alteration service</u>
Tailor/ alterations service
Tanning salon
Tattoo establishment
<u>Tavern</u>
Tax consulting
Taxi service
<u>Tea room</u>
Telephone sales and service
<u>Telephone service</u>
Television station
Tennis club
Theater
Tire sales
Title company
Townhouse complex ⁽³⁾
Toy store
Travel agency
Treatment center
Tutoring service
<u>Universally permitted use</u>
Variety store
Veterinary clinic
<u>Watch sales</u>
Warehouse/storage facility
<u>Website service</u>
Wedding consultant
Weight loss service
Wind energy conversion system (micro) ⁽²¹²⁾

FORT WAYNE ZONING ORDINANCE

Window sales
Yoga/ Pilates instruction
Zoo

SC SHOPPING CENTER SPECIFIC PERMITTED USES

Notes:

- (1) No **gas station** canopy shall be located between the primary building and a **residential district**
- (2) If not **adjacent to a residential district**
- (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (4) See **universally permitted use** definition for additional standards
- (+)(5) Above, to the rear of, or attached to a permitted **nonresidential use**
If not **adjacent to a residential district**
See **universally permitted use** definition for additional standards

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; and be located on a paved or permitted gravel surface.

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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Agricultural equipment sales
Agricultural equipment service
Agricultural supply sales
Air conditioning sales
Air conditioning service
Amusement park ⁽²⁺¹⁾
Animal grooming
Animal hospital
Animal kennel
Animal obedience school
Answering service
Antique shop
Apparel and accessory store
Appliance store
Appraiser
Arcade

FORT WAYNE ZONING ORDINANCE

Architect
Arena
Art gallery
Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Athletic field
Attorney
Auction hall
Auction service
Audiologist
Audio-visual studio
Automatic teller machine
Automobile accessory store
Automobile auction
Automobile body shop
Automobile detailing or trim shop
Automobile maintenance (quick service)
Automobile rental
Automobile repair
Automobile restoration
Automobile rustproofing
Automobile sales
Automobile washing facility
Bait sales
Bakery goods
Bank
Bankruptcy service
Banquet hall
Bar or tavern
Barber shop
Barber/beauty school
Batting cages
Beauty shop
Bed and breakfast
Betting or other gambling facility
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding/ lodging house
Boat/ watercraft sales
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
Broadcast studio
Broker
Business training
Campus housing (off-site)
Card and s Stationery store

FORT WAYNE ZONING ORDINANCE

Catalog showroom
Caterer
Check cashing
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/tobacco/cigar store Tobacco store
Clinic
Clock/watch/jewelry sales/repair Clock sales
<u>Clothing alterations</u>
<u>Clothing rental</u>
Clothing store
Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden (including: outdoor)
Computer sales and service
Computer software store
Computer training
Candy store Confectionery/ice cream/candy store
Consignment shop
Consulting service
Consumer electronics sales/ service
<u>Consumer electronics service</u>
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Country club
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
<u>Distillery (micro)</u>

FORT WAYNE ZONING ORDINANCE

Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engine repair
Engineer
Entertainment facility
Equipment rental (limited)
Equipment service
Exhibit hall
Exterminator
Fabric shop
Farmers market
Feed store
Finance agency
Financial planning service
Fireworks sales
Fitness center
Flea market
Floor covering store
Florist
Foundation office
Fraternity house
Fruit/vegetable store
Funeral home
Furniture refinishing/repair
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Garage sales
<u>Garden equipment supply</u>
Gas station ⁽²⁾
Gift shop
Glass cutting/glazing shop
Go-kart facility ⁽²¹⁾
Golf course, miniature
Golf driving range
Graphic design service
Greenhouse <u>(retail)</u>
Grocery store or supermarket
Group residential facility (large) ⁽²¹⁾
Group residential facility (small)
Gun sales
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club

FORT WAYNE ZONING ORDINANCE

Heating sales
Heating service
Hobby shop
<u>Home improvement business</u>
Home improvement store
<u>Home repair</u>
Homeless/ emergency shelter ⁽²¹⁾
Hospice care center
Hospital
<u>Hot tub sales</u>
Hotel
<u>Household appliance store</u>
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet/ web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Landscape contracting service
Laundromat
Leather goods or luggage store
Legal service
Library
Live-work unit
Loan office
<u>Luggage store</u>
Manufactured home sales
Marketing agency
Martial arts training
Massage therapy
Meat or fish market
<u>Medical supply sales</u>
Medical training
Model unit
Mortgage service
Motel
<u>Motor vehicle auction</u>
<u>Motor vehicle repair</u>
Motor vehicle rental
Motor vehicle sales
Movie and game sales and rental
<u>Movie sales</u>
Multiple family complex ⁽³⁾
Multiple family dwelling ⁽³⁾
Museum
Music instruction
Music store
Music/ recording studio
Musical instrument store
Nail salon

FORT WAYNE ZONING ORDINANCE

Neighborhood facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
<u>Painting studio</u>
Park or recreation area
Parking area (off-site) ⁽²⁴⁾
Parking area ⁽²¹⁾
Parking structure
Pawn shop
Pest control
Pet store
<u>Pharmacy</u>
<u>Photography studio</u>
Photography ie supply store
Photography training
Physical therapy facility
Picture framing facility
<u>Pilates instruction</u>
Planetarium
Planner
Plant nursery
Plumbing sales
Plumbing service
Podiatrist
Pottery sales
Propane bottled gas sales and service
Public transportation facility
Radio station
Real estate
Reception banquet hall
Recreation area ⁽²¹⁾
Recreation facility
<u>Recreation uses</u>
<u>Recording studio</u>
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽²⁵⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽²¹⁾
Restaurant , including drive-through
Retirement facility
Riding stable
<u>Sandwich shop</u>
Savings and loan
School
<u>Sculpture studio</u>
Seasonal sales
Security service

FORT WAYNE ZONING ORDINANCE

<u>Shoe repair shop</u>
Shoe store/ shoe repair shop
Shooting range (indoor)
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stadium/racetrack ⁽¹²⁾
Stained glass studio
Stock and bond broker
Storage shed sales
Surgery center
Swim club
<u>Swimming pool sales</u>
<u>Alteration service</u>
Tailor/ alterations service
Tanning salon
Tattoo establishment
<u>Tavern</u>
Tax consulting
Taxi service
Taxidermist
<u>Tea room</u>
<u>Telephone service</u>
Telephone sales and service
Television station
Tennis club
Theater
Tire sales
Title company
Towing service (with no storage yard)
Townhouse complex ⁽³⁾
Toy store
Trade show facility
Travel agency
Treatment center
Truck fueling station
Truck stop
Tutoring service
<u>Universally permitted use</u> ⁽²⁴⁾
Variety store
Veterinary clinic
Warehouse/storage facility
<u>Watch sales</u>
Water park ⁽²¹⁾
<u>Watercraft sales</u>
<u>Website service</u>
Wedding consultant
Weight loss service
Wholesale facility
Wind energy conversion system (micro) ⁽²¹⁾

FORT WAYNE ZONING ORDINANCE

Window repair
Window sales
Yoga/ Pilates instruction
Zipline
Zoo

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) No **gas station** canopy shall be located between the primary building and a **residential district**
- (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (4) See **universally permitted use** definition for additional standards
- (1)(5) Above, to the rear of, or attached to a permitted **nonresidential use**
If not **adjacent** to a **residential district**
See **universally permitted use** definition for additional standards

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-principal~~ 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; and be located on a paved or permitted gravel surface. 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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Agricultural equipment sales
Agricultural equipment service
Agricultural supply sales
Air conditioning sales
Air conditioning service
Amusement park ⁽²¹⁾
Animal grooming
Animal hospital
Animal kennel
Animal obedience school
Answering service
Antique shop
Apparel and accessory store
Appliance store
Appraiser
Arcade
Architect
Arena

FORT WAYNE ZONING ORDINANCE

Art gallery
Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Athletic field
Attorney
Auction hall
Auction service
Audiologist
Audio-visual studio
Automatic teller machine
Automobile accessory store
Automobile auction
Automobile body shop
Automobile detailing or trim shop
Automobile maintenance (quick service)
Automobile rental
Automobile repair
Automobile restoration
Automobile rustproofing
Automobile sales
Automobile washing facility
Bait sales
Bakery goods
Bank
Bankruptcy service
Banquet hall
Bar or tavern
Barber shop
Barber/beauty school
Batting cages
Beauty shop
Bed and breakfast
Betting or other gambling facility
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding lodging house
Boat watercraft sales
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
Broadcast studio
Broker
Business training
Card and stationery Stationery store
Campus housing (off-site)
Catalog showroom
Caterer

FORT WAYNE ZONING ORDINANCE

Check cashing
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/tobacco/cigar Tobacco store
Clinic
Clock/watch/jewelry sales/repair Clock sales
Clothing alterations
Clothing rental
Clothing store
Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden (including- outdoor)
Computer sales and service
Computer software store
Computer training
Candy store Confectionery/ice cream/candy
Consignment shop
Consulting service
Consumer electronics sales/ service
Consumer electronics service
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Country club
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Distillery (micro)
Doctor
Dormitory

FORT WAYNE ZONING ORDINANCE

Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engine repair
Engineer
Entertainment facility
Equipment rental (limited)
Equipment service
Exhibit hall
Exterminator
Fabric shop
Farmers market
Feed store
Finance agency
Financial planning service
Fireworks sales
Fitness center
Flea market
Floor covering store
Florist
Foundation office
Fraternity house
Fruit/vegetable store
Funeral home
Furniture refinishing/repair
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Garage sales
<u>Garden equipment supply</u>
Gas station ⁽²⁾
Gift shop
Glass cutting/glazing shop
Go-kart facility ⁽²¹⁾
Golf course, miniature
Golf driving range
Graphic design service
Greenhouse <u>(retail)</u>
Grocery store or supermarket
Group residential facility (large) ⁽²¹⁾
Group residential facility (small)
Gun sales
Gymnastics instruction
Hardware store
Haunted house
Health center
Health club
Heating sales
Heating service

FORT WAYNE ZONING ORDINANCE

Hobby shop
<u>Home improvement store</u>
<u>Home improvement business</u>
<u>Home repair</u>
Homeless/ emergency shelter ⁽²¹⁾
Hospice care center
Hospital
<u>Hot tub sales</u>
Hotel
<u>Household appliance store</u>
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet/ web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Landscape contracting service
Laundromat
Leather goods or luggage store
Legal service
Library
Live-work unit
Loan office
<u>Luggage store</u>
<u>Manufactured home sales</u>
Marketing agency
Martial arts training
Massage therapy
Meat/ or fish market
<u>Medical supply sales</u>
Medical training
<u>Model unit</u>
Mortgage service
Motel
<u>Motor vehicle auction</u>
Motor vehicle rental
<u>Motor vehicle repair</u>
Motor vehicle sales
Movie and game sales and rental
<u>Movie sales</u>
Multiple family complex ⁽³⁾
Multiple family dwelling ⁽³⁾
Museum
Music instruction
Music store
Music/ recording studio
Musical instrument store
Nail salon
Neighborhood facility
Nursing home

FORT WAYNE ZONING ORDINANCE

Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
<u>Painting studio</u>
Park or recreation area
Parking area (off-site) ⁽³⁴²⁾
Parking area ⁽²¹⁾
Parking structure
Pawn shop
Pest control
Pet store
<u>Pharmacy</u>
Photography ey supply store
<u>Photography studio</u>
Photography training
Physical therapy facility
Picture framing facility
<u>Pilates instruction</u>
Planetarium
Planner
Plant nursery
<u>Plumbing sales</u>
Plumbing service
Podiatrist
Pottery sales
Propane bottled gas sales and service
Public transportation facility
Radio station
Real estate
Reception banquet hall
Recreation area ⁽²¹⁾
Recreation facility
<u>Recreation uses</u>
<u>Recording studio</u>
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽⁴²⁵⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽²¹⁾
Restaurant, including drive-through
Retirement facility
Riding stable
<u>Sandwich shop</u>
Savings and loan
School
<u>Sculpture studio</u>
Seasonal sales
Security service
Sexually oriented business ⁽³⁶⁴⁾
<u>Shoe repair shop</u>

FORT WAYNE ZONING ORDINANCE

Shoe store/ shoe repair shop
Shooting range (indoor)
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stadium/racetrack ⁽²¹⁾
Stained glass studio
Stock and bond broker
Storage shed sales
Surgery center
Swim club
Swimming pool sales
Alteration service
Tailor/ alteration service
Tanning salon
Tattoo establishment
Tavern
Tax consulting
Taxi service
Taxidermist
Tea room
Telephone sales and service
Telephone service
Television station
Tennis club
Theater
Tire sales
Title company
Towing service (with no storage yard)
Townhouse complex ⁽³⁾
Toy store
Trade show facility
Travel agency
Treatment center
Truck fueling station
Truck stop
Tutoring service
Universally permitted use ⁽²⁴⁾
Variety store
Veterinary clinic
Warehouse/storage facility
Watch sales
Water park ⁽²¹⁾
Watercraft sales
Website service
Wedding consultant
Weight loss service
Wholesale facility
Wind energy conversion system (micro) ⁽²¹⁾
Window repair

FORT WAYNE ZONING ORDINANCE

Window sales
Yoga/ Pilates instruction
Zipline
Zoo

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES

Notes:

- (1) If not adjacent to a residential district
 - (2) No gas station canopy shall be located between the primary building and a residential district
 - (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
 - (4) See universally permitted use definition for additional standards
 - ~~(1)(5)~~ Above, to the rear of, or attached to a permitted nonresidential use
 - ~~(2) If not adjacent to a residential district~~
 - ~~(3) Subject to the standards in §157.414~~
 - ~~(6)~~
- ~~See universally permitted use definition for additional standards~~

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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Air conditioning sales
Animal grooming (indoor)
Animal hospital (indoor)
Animal kennel (indoor)
Animal obedience school (indoor)
Answering service
Antique shop
Apparel and accessory store
Appraiser
Arcade
Architect
Arena
Art gallery

FORT WAYNE ZONING ORDINANCE

Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Attorney
Audiologist
Audio-visual studio
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
<u>Banquet hall</u>
Bar or tavern
Barber shop
Barber/beauty school
Beauty shop
Bed and breakfast
Betting or other gambling facility
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding house
Book store
Bookkeeping service
Botanical conservatory
Bowling alley
Brewery (micro)
<u>Broadcast studio</u>
Broker
Business training
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I or II)
Chiropractor
Cigarette/t obacco/ eigar store
Clinic
Clock/ watch/jewelry sales/ repair
<u>Clothing rental</u>
Clothing store
<u>Clothing alterations</u>
Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden

FORT WAYNE ZONING ORDINANCE

Computer sales and service
Computer software store
Computer training
Confectionery/ice cream/e Candy store
Consignment shop
Consulting service
Consumer electronics sales/ service
Consumer electronics service
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Distillery (micro)
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility (indoor)
Exhibit hall
Fabric shop
Farmers market (w/outdoor uses)
Finance agency
Financial planning service
Fireworks sales (indoor)
Fitness center
Flea market (indoor)
Floor covering store

FORT WAYNE ZONING ORDINANCE

Florist
Foundation office
Fraternity house
Fruit and/or vegetable store
Funeral home
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Gymnastics instruction
Hardware store
Health center
Health club
Heating sales
Hobby shop
Hospice care center
Hospital
Hotel
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet web site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Laundromat
Leather goods or luggage store
<u>Luggage store</u>
Legal service
Library
Live-work unit
Loan office
Marketing agency
Martial arts training
Massage therapy
Meat or fish market
Medical training
Model unit
Mortgage service
<u>Movie rental</u>
Movie and game sales and rental
Multiple family complex ⁽⁴⁾
Multiple family dwelling ⁽⁴⁾
Museum
Music instruction
Music store
Music recording studio

FORT WAYNE ZONING ORDINANCE

Musical instrument store
Nail salon
Neighborhood facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
<u>Painting studio</u>
Park or recreation area
Parking area (off-site) ⁽³¹⁾
Parking structure ⁽⁺²⁾
Pet store
<u>Pharmacy</u>
Photography Photographie supply store
<u>Photography studio</u>
Photography training
Physical therapy facility
Picture framing facility
<u>Pilates instruction</u>
Planetarium
Planner
Podiatrist
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
<u>Recording studio</u>
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽²³⁾
Restaurant, including drive-through
Retirement facility
Riding stable
<u>Sandwich shop</u>
Savings and loan
<u>Sculpture studio</u>
School
Security service
Self-service storage facility ⁽⁺²⁾
<u>Shoe repair shop</u>
Shoe store/ shoe repair shop
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sorority house
Sporting goods sales and rentals
Stadium
Stained glass studio

FORT WAYNE ZONING ORDINANCE

Stock and bond broker
Surgery center
Swim club (indoor)
<u>Tailor</u>
<u>Tailor/a</u> Alteration service
Tanning salon
Tattoo establishment
<u>Tavern</u>
Tax consulting
Taxi service
<u>Tea room</u>
Telephone sales and service
<u>Telephone service</u>
Television station
Tennis club (indoor)
Theater (indoor)
Title company
Toy store
<u>Universally permitted use</u>
Travel agency
Treatment center
Tutoring service
Variety store
Veterinary clinic (indoor)
<u>Watch sales</u>
Water park
<u>Website service</u>
Wedding consultant
Weight loss service
Window sales
Yoga/ Pilates instruction
Zoo

DC DOWNTOWN CORE SPECIFIC PERMITTED USES

Notes:

- ~~See **universally permitted use** definition for additional standards~~
- (1) ~~If integrated within the footprint of a new **building** for a permitted **primary use**~~
- (1) ~~See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))~~
- (2) ~~See **universally permitted use** definition for additional standards~~
- (3) ~~If integrated within the footprint of a new building for a permitted primary use~~
- (4) ~~Above, to the rear of, or attached to a permitted nonresidential use~~
- (2) ~~Above, to the rear of, or attached to a permitted nonresidential use~~
- ~~See **universally permitted use** definition for additional standards~~

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
Accountant
Adoption service
Adult care center
Adult care home
Advertising
Air conditioning sales
Animal grooming (indoor)
Animal hospital (indoor)
Animal kennel (indoor)
Animal obedience school (indoor)
Answering service
Antique shop
Apparel and accessory store
Appraiser
Arcade
Architect
Arena
Art gallery
Art instruction
Artist material and supply store

FORT WAYNE ZONING ORDINANCE

Artist studio
Assisted living facility
Attorney
Audiologist
Audio-visual studio
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
<u>Banquet hall</u>
Bar or tavern
<u>Barber shop</u>
Barber/beauty school
Beauty shop
Bed and breakfast
Betting or other gambling facility
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Book store
Bookkeeping service
Botanical conservatory
Bowling alley
Brewery (micro)
<u>Broadcast studio</u>
Broker
Business training
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I)
Chiropractor
Cigarette/t obacco/ eigar store
Clinic
Clock, watch, or jewelry sales/repair
<u>Clothing rental</u>
<u>Clothing alterations</u>
Clothing store
Club, private
Coffee shop
Coin shop
Collection agency
Community center
Community garden
Computer sales and service
Computer software store
Computer training

FORT WAYNE ZONING ORDINANCE

Confectionery/ice cream/candy store
Consignment shop
Consulting service
Consumer electronics sales/ service
Consumer electronics service
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Distillery (micro)
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Dwelling, two family ⁽²¹⁾
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility (indoor)
Exhibit hall
Fabric shop
Farmers market (with outdoor uses)
Finance agency
Financial planning service
Fireworks sales (indoor)
Fitness center
Flea market (indoor)
Floor covering store
Florist
Foundation office

FORT WAYNE ZONING ORDINANCE

Fruit and/or vegetable store
Funeral home
Furniture store
Furrier
Game rental
Game sales
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Gymnastics instruction
Hardware store
Health center
Health club
Heating sales
Hobby shop
Hospice care center
Hospital
Hotel
Ice cream store
Insurance agency
Interior decorating store
Interior design service
Internet web site service
Investment service
Jewelry sales
Laboratory
Land surveyor
Laundromat
Leather goods or luggage store
Luggage store
Legal service
Library
Live-work unit
Loan office
Marketing agency
Martial arts training
Massage therapy
Meat or fish market
Medical training
Model unit
Mortgage service
Movie rental
Movie and game sales and rental
Multiple family complex ⁽²⁾
Multiple family dwelling ⁽²⁾
Museum
Music instruction
Music store
Music recording studio
Musical instrument store
Nail salon
Neighborhood facility

FORT WAYNE ZONING ORDINANCE

Newspaper publishing facility
Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
Painting studio
Park or recreation area
Parking area (off-site) ⁽³²³⁾
Parking structure ⁽⁴⁴²⁾
Pet store
Pharmacy
Photography Photographic supply store
Photography studio
Photography training
Physical therapy facility
Picture framing facility
Pilates instruction
Planetarium
Planner
Podiatrist
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
Recording studio
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit ⁽²¹⁴⁾
Restaurant , including drive-through
Retirement facility
Riding stable
Sandwich shop
Savings and loan
Sculpture studio
School
Security service
Shoe repair shop
Shoe store/ shoe repair shop
Sign sales store
Skating rink
Sleep disorder facility
Social service agency
Sporting goods sales and rentals
Stadium
Stained glass studio
Stock and bond broker
Surgery center
Swim club (indoor)
Tailor

FORT WAYNE ZONING ORDINANCE

Tailor/a Alteration service
Tanning salon
Tattoo establishment
<u>Tavern</u>
Tax consulting
Taxi service
<u>Tea room</u>
Telephone sales and service
<u>Telephone service</u>
Television station
Tennis club (indoor)
Theater (indoor)
Title company
Townhouse complex ⁽²⁾
Toy store
Travel agency
Treatment center
Tutoring service
<u>Universally permitted use</u> ⁽²³⁾
Variety store
Veterinary clinic
<u>Watch sales</u>
Water park
<u>Website service</u>
Wedding consultant
Weight loss service
Window sales
Yoga/ Pilates instruction
Zoo

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES

Notes:

- (1) Above, to the rear of, or attached to a permitted **nonresidential use**
- (2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (3) See **universally permitted use** definition for additional standards
- (4) If integrated within the footprint of a new **building** for a permitted **primary use**
- ~~(1)(5) Above, to the rear of, or attached to a permitted **nonresidential use**~~
- ~~(2) See **universally permitted use** definition for additional standards~~

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	
Accountant	
Adoption service	
Adult care center	
Adult care home	
Advertising	
Air conditioning sales	
Animal grooming (indoor)	
Animal hospital (indoor)	
Animal kennel (indoor)	
Animal obedience school (indoor)	
Answering service	
Antique shop	
Apparel and accessory store	
Appraiser	

FORT WAYNE ZONING ORDINANCE

Arcade
Architect
Art gallery
Art instruction
Artist material and supply store
Artist studio
Assisted living facility
Attorney
Audiologist
Audio-visual studio
Automobile accessory store (indoor)
Automobile rental (indoor)
Automobile sales (indoor)
Bait sales
Bakery goods
Bank
Bankruptcy service
Banquet hall
Bar or tavern
Barber shop
Barber/beauty school
Beauty shop
Bed and breakfast
Bicycle sales and repair shop
Billiard or pool hall
Bingo establishment
Blood bank
Blood or plasma donor facility
Boarding house
Book store
Bookkeeping service
Bowling alley
Brewery (micro)
Broadcast studio
Broker
Business training
Card and s Stationery store
Catalog showroom
Caterer
Child care center
Child care home (class I)
Chiropractor
Cigarette/t obacco/ eigar store
Clinic
Clock, watch, or jewelry sales/repair
Clothing rental
Clothing alterations
Clothing store
Club, private
Coffee shop
Coin shop
Collection agency
Community center

FORT WAYNE ZONING ORDINANCE

Community garden
Computer sales and service
Computer software store
Computer training
Confectionery/ice cream/e Candy store
Consignment shop
Consulting service
Consumer electronics sales/ service
Consumer electronics service
Convenience store
Copy or duplicating service
Correctional services facility
Cosmetic store
Costume and clothing rental
Counseling service
Craft instruction
Craft studio
Craft supply store
Credit service
Credit union
Customer service facility
Dance instruction
Data processing facility
Data storage facility
Dating service
Day care
Day spa
Delicatessen
Dentist
Department store
Diagnostic center
Dialysis center
Diaper service facility
Dinner theater
Distillery (micro)
Doctor
Dormitory
Driving instruction
Drug store
Dry cleaning store
Educational institution
Embroidery
Employment agency
Engineer
Entertainment facility (indoor)
Fabric shop
Farmers market (with outdoor uses)
Finance agency
Financial planning service
Fireworks sales (indoor)
Fitness center
Flea market (indoor)
Floor covering store

FORT WAYNE ZONING ORDINANCE

Florist
Foundation office
Fruit and/or vegetable store
Funeral home
Furniture store
Furrier
<u>Game rental</u>
<u>Game sales</u>
Gift shop
Glass cutting/glazing shop
Graphic design service
Grocery store or supermarket
Gymnastics instruction
Hardware store
Health club
Heating sales
Hobby shop
Hospice care center
Hospital
<u>Ice cream store</u>
Insurance agency
Interior decorating store
Interior design service
Internet web-site service
Investment service
<u>Jewelry sales</u>
Laboratory
Land surveyor
Laundromat
Leather goods or luggage store
<u>Luggage store</u>
Legal service
Library
Live-work unit
Loan office
Marketing agency
Martial arts training
Massage therapy
Meat or fish market
Medical training
Model unit
Mortgage service
<u>Movie sales</u>
Movie and game sales and rental
Multiple family complex ⁽⁴⁾
Multiple family dwelling ⁽⁴⁾
Museum
Music instruction
Music store
Music recording studio
Musical instrument store
Nail salon
Neighborhood facility

FORT WAYNE ZONING ORDINANCE

Nursing home
Nutrition service
Ophthalmologist
Optician
Optometrist
Package liquor store
Paint store
Painting studio
Park or recreation area
Parking area (off-site) ⁽³²¹⁾
Parking structure ⁽⁴³²⁾
Pet store
Pharmacy
Photography Photographic supply store
Photography studio
Photography training
Physical therapy facility
Picture framing facility
Pilates instruction
Planetarium
Planner
Podiatrist
Public transportation facility
Radio station
Real estate
Reception/ banquet hall
Recording studio
Rehabilitation facility
Religious institution/school field
Rental and/or leasing store
Residential dwelling unit
Restaurant
Retirement facility
Riding stable
Sandwich shop
Savings and loan
School
Sculpture studio
Security service
Shoe repair shop
Shoe store/ shoe repair shop
Sign sales store
Single family dwelling (attached)
Single family dwelling (detached)
Skating rink
Sleep disorder facility
Social service agency
Sporting goods sales and rentals
Stained glass studio
Stock and bond broker
Surgery center
Swim club (indoor)
Tailor

FORT WAYNE ZONING ORDINANCE

Tailor/a Alteration service
Tanning salon
Tattoo establishment ⁽²⁴²⁾
Tavern
Tax consulting
Taxi service
Tea room
Telephone sales and service
Telephone service
Television station
Tennis club (indoor)
Theater (indoor)
Title company
Townhouse complex ⁽¹⁾
Townhouse dwelling
Toy store
Travel agency
Tutoring service
Two family dwelling
Universally permitted use ⁽⁺²⁾
Variety store
Veterinary clinic
Watch sales
Website service
Wedding consultant
Weight loss service
Window sales
Yoga/ Pilates instruction
Zoo

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)

Notes:

- (1) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))
- (2) See **universally permitted use** definition for additional standards
- ~~(1)~~(3) If integrated within the footprint of a new **building** for a permitted **primary use**
- (4) New tattoo facilities shall be located a minimum of 500' from any existing facility, as measured from the closest property lines
- ~~(2)~~ — See **universally permitted use** definition for additional standards

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 display** area shall be limited to a maximum of 10% of the **primary structure** or tenant space. **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	
<u>Accountant</u>	
<u>Adoption service</u>	
<u>Adult care center</u>	
<u>Advertising</u>	
<u>Air conditioning sales</u>	
Air freight service	
<u>Animal grooming (indoor)</u>	
<u>Animal hospital (indoor)</u>	
<u>Animal kennel (indoor)</u>	
<u>Animal obedience school (indoor)</u>	
<u>Answering service</u>	
<u>Antique shop</u>	
<u>Apparel and accessory store</u>	
Apparel fabrication and processing	
<u>Appliance store</u>	
<u>Appraiser</u>	
Aquaculture	
Aquaponics	
<u>Arcade</u>	
<u>Architect</u>	
<u>Art gallery</u>	
<u>Art instruction</u>	
<u>Art supply store</u>	
<u>Art studio</u>	
<u>Assisted living facility</u>	
<u>Attorney</u>	
<u>Auction service</u>	
<u>Audiologist</u>	
<u>Audio-visual studio</u>	
<u>Automatic teller machine</u>	

FORT WAYNE ZONING ORDINANCE

<u>Automobile accessory store (indoor)</u>
<u>Automobile rental (indoor)</u>
<u>Automobile sales (indoor)</u>
<u>Bait sales</u>
Bakery
<u>Bakery goods</u>
<u>Bank</u>
<u>Bankruptcy service</u>
<u>Banquet hall</u>
<u>Bar</u>
<u>Barber shop</u>
<u>Barber/beauty school</u>
<u>Beauty shop</u>
<u>Bicycle sales and repair shop</u>
<u>Billiard or pool hall</u>
<u>Bingo establishment</u>
Bioscience development , / research, or testing
<u>Blood bank</u>
<u>Blood or plasma donor facility</u>
<u>Boarding house</u>
Boat dry dock facility
<u>Book store</u>
<u>Bookkeeping service</u>
<u>Bowling alley</u>
Brewery (micro)
<u>Broadcast studio</u>
<u>Broker</u>
Business incubation office or laboratory
<u>Business training</u>
<u>Stationery store</u>
<u>Campus housing (off-site)</u>
<u>Catalog showroom</u>
<u>Caterer</u>
<u>Child care center</u>
<u>Child care home (class I or II)</u>
<u>Chiropractor</u>
<u>Tobacco store</u>
<u>Clinic</u>
<u>Clock sales</u>
<u>Clothing alterations</u>
<u>Clothing rental</u>
<u>Clothing store</u>
<u>Club, private</u>
<u>Coffee shop</u>
<u>Coin shop</u>
<u>Collection agency</u>
<u>Community garden (including outdoor)</u>
Computer other software
<u>Computer sales and service</u>
<u>Computer software store</u>
<u>Computer training</u>

FORT WAYNE ZONING ORDINANCE

<u>Candy store</u>
<u>Consignment shop</u>
<u>Consulting service</u>
<u>Consumer electronics sales</u>
<u>Consumer electronics service</u>
<u>Contractor (construction, excavation, landscape)</u>
<u>Convenience store</u>
<u>Copy service</u>
Correctional services facility
Cosmetic product compounding
<u>Cosmetic store</u>
<u>Costume rental</u>
<u>Counseling service</u>
<u>Craft instruction</u>
<u>Craft studio</u>
<u>Craft supply store</u>
<u>Credit service</u>
<u>Credit union</u>
Crematory
<u>Customer service facility</u>
Dairy/creamery
<u>Dance instruction</u>
<u>Data processing facility</u>
<u>Data storage facility</u>
<u>Day care</u>
<u>Day spa</u>
<u>Delicatessen</u>
<u>Dentist</u>
<u>Department store</u>
<u>Diagnostic center</u>
<u>Dialysis center</u>
<u>Diaper service facility</u>
<u>Dinner theater</u>
Distillery (micro)
Distribution facility for:
Batteries
Beer
Building materials
Electrical parts
Food
Janitorial supplies
Lubrication
Machines
Medical supplies
Oil
Paint
Petroleum products
Pipe
Plumbing fixtures
Soft drinks
Steel

FORT WAYNE ZONING ORDINANCE

Tires (new)
Truck bodies
Vending machines
Windows
<u>Doctor</u>
<u>Dormitory</u>
<u>Driving instruction</u>
<u>Drug store</u>
Dry cleaning laundry facility (central)
<u>Dry cleaning store</u>
<u>Educational institution</u>
<u>Embroidery</u>
<u>Employment agency</u>
<u>Engineer</u>
<u>Entertainment facility</u>
Equipment rental (limited and general)
Equipment supply facility for:
Air purification
Electrical
Electric wire and cable
Fire protection
Food service
Heating, ventilation, or air conditioning
Industrial
Maintenance
Mechanical
Medical
Power transmission
Radio/communication
Restaurant
Telecommunication
Trade show/exhibit
Truck
Water softening/purification
Welding
<u>Fabric shop</u>
<u>Farmers market (including outdoor sales)</u>
<u>Finance agency</u>
<u>Financial planning service</u>
<u>Fireworks sales (indoor)</u>
<u>Fitness center</u>
<u>Flea market (indoor)</u>
<u>Floor covering store</u>
<u>Florist</u>
<u>Foundation office</u>
<u>Fraternity house</u>
Freight service
<u>Fruit/vegetable store (indoor)</u>
<u>Funeral home</u>
Furniture production
<u>Furniture store</u>

FORT WAYNE ZONING ORDINANCE

<u>Furrier</u>
<u>Game rental</u>
<u>Game sales</u>
<u>Gift shop</u>
<u>Glass cutting/glazing shop</u>
<u>Graphic design service</u>
<u>Grocery store or supermarket</u>
Group residential facility (large) ⁽¹⁾
Group residential facility (small)
<u>Gymnastics instruction</u>
<u>Hardware store</u>
<u>Haunted house</u>
<u>Health club</u>
<u>Heating sales</u>
<u>Hobby shop</u>
<u>Home improvement business</u>
<u>Home repair</u>
Homeless/emergency shelter
<u>Hospice care center</u>
<u>Hospital</u>
<u>Hot tub sales</u>
<u>Hotel</u>
<u>Household appliance store</u>
Hydroponics
<u>Ice cream store</u>
Information technology
<u>Insurance agency</u>
<u>Interior decorating store</u>
<u>Interior design service</u>
Internet applications/products
<u>Internet service</u>
<u>Investment service</u>
<u>Jewelry sales</u>
<u>Laboratory</u>
Laboratory (testing)
<u>Land surveyor</u>
Lathe/screw machine products
<u>Laundromat</u>
<u>Laundry facility (central)</u>
<u>Leather goods store</u>
<u>Legal service</u>
Limited assembly and fabrication of:
Bio-medical/orthopedic products
Communication and computation equipment
Computers and electronics
Computer hardware products
Industrial controls
Medical devices
Orthopedic devices
Optical instruments

FORT WAYNE ZONING ORDINANCE

Scientific and precision instruments
Service industry machines
Specialty equipment
<u>Live-work unit</u>
<u>Loan office</u>
<u>Luggage store</u>
Machine design facility
<u>Machine tool shop</u>
Maintenance/repair facility (not otherwise permitted)
<u>Marketing agency</u>
<u>Martial arts training</u>
<u>Massage therapy</u>
<u>Meat/fish market</u>
Medical device technology
<u>Medical supply sales</u>
<u>Medical training</u>
<u>Model unit</u>
<u>Mortgage service</u>
<u>Motel</u>
<u>Movie rental</u>
<u>Movie sales</u>
<u>Multiple family complex</u> ⁽²⁾
<u>Multiple family dwelling</u> ⁽²⁾
<u>Museum</u>
<u>Music instruction</u>
<u>Music store</u>
<u>Music studio</u>
<u>Musical instrument store</u>
<u>Nail salon</u>
<u>Neighborhood facility</u>
<u>Nursing home</u>
<u>Nutrition service</u>
<u>Ophthalmologist</u>
<u>Optician</u>
<u>Optometrist</u>
<u>Package liquor store</u>
<u>Paint store</u>
<u>Painting studio</u>
<u>Parking area</u> ⁽¹⁾
<u>Parking area (off-site)</u> ^(2,3)
<u>Parking structure</u>
<u>Pet store</u>
Pharmaceutical product compounding
<u>Pharmacy</u>
<u>Photography supply store</u>
<u>Photography studio</u>
<u>Photography training</u>
<u>Physical therapy facility</u>
<u>Picture framing facility</u>

FORT WAYNE ZONING ORDINANCE

<u>Pilates instruction</u>
<u>Planetarium</u>
<u>Planner</u>
<u>Podiatrist</u>
<u>Pottery sales</u>
Printing facility
Printing press
Product research and development
<u>Public transportation facility</u>
<u>Radio station</u>
<u>Real estate</u>
<u>Reception hall</u>
<u>Recording studio</u>
Recreation area
Recreation facility
<u>Recreation uses</u>
Refurbishing facility (household items)
<u>Rental store</u>
Research and development facility
<u>Residential dwelling unit</u> ⁽³⁴⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽¹⁾
<u>Restaurant, including drive-through</u>
<u>Retirement facility</u>
<u>Sandwich shop</u>
<u>Savings and loan</u>
<u>Sculpture studio</u>
<u>Security service</u>
<u>Shoe repair shop</u>
<u>Shoe store</u>
<u>Sign sales store</u>
<u>Skating rink</u>
<u>Sleep disorder facility</u>
<u>Social service agency</u>
<u>Sorority house</u>
<u>Sporting goods sales</u>
<u>Stained glass studio</u>
<u>Stock and bond broker</u>
<u>Surgery center</u>
<u>Swim club</u>
<u>Swimming pool sales</u>
<u>Tailor</u>
<u>Alteration service</u>
<u>Tattoo establishment</u>
<u>Tanning salon</u>
<u>Tavern</u>
<u>Tax consulting</u>
<u>Tea room</u>
<u>Technology use or service</u>
<u>Telephone sales</u>

FORT WAYNE ZONING ORDINANCE

<u>Telephone service</u>
<u>Television station</u>
<u>Tennis club</u>
<u>Theater</u>
<u>Title company</u>
Tool and die facility
<u>Townhouse complex</u> ⁽²⁾
<u>Toy store</u>
<u>Travel agency</u>
<u>Treatment center</u>
<u>Tutoring service</u>
<u>Universally permitted use</u> ⁽²³⁾
Utility facility (private)
<u>Variety store</u>
Vehicle technology (advanced)
Welding service
<u>Veterinary clinic (indoor)</u>
<u>Watch sales</u>
<u>Website service</u>
<u>Wedding consultant</u>
<u>Weight loss service</u>
Warehouse/storage facility
Wholesale facility
Wind energy conversion system (micro) ⁽¹⁾
Wind energy conversion system (standard) ⁽²⁴⁵⁾
<u>Window sales</u>
<u>Winery (micro)</u>
Woodworking/ carpentry
<u>Yoga instruction</u>
<u>Zoo</u>
Notes: (1) If not adjacent to a residential district (2) See <u>multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))</u> (3) See universally permitted use definition for additional standards (4) <u>Above, to the rear of, or attached to a permitted nonresidential use</u> (5) If on land of over two (2) 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

§ 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	
<u>Accountant</u>	
<u>Adoption service</u>	
<u>Adult care center</u>	
<u>Advertising</u>	
<u>Agricultural equipment sales</u>	
<u>Agricultural equipment service</u>	
<u>Agricultural supply sales</u>	
<u>Air conditioning sales</u>	
<u>Air conditioning service</u>	
Air freight service	
<u>Animal grooming</u>	
<u>Animal hospital</u>	
<u>Animal kennel</u>	
<u>Animal obedience school</u>	
<u>Animal slaughter house (indoor)</u>	
<u>Answering service</u>	
<u>Antique shop</u>	
<u>Apparel and accessory store</u>	
Apparel fabrication and processing	
<u>Appliance store</u>	
<u>Appraiser</u>	
Assembly of finished products	
<u>Arcade</u>	
<u>Architect</u>	
<u>Arena</u>	
<u>Art gallery</u>	
<u>Art instruction</u>	
<u>Art supply store</u>	
<u>Art studio</u>	
Assembly facility for/manufacturing of:	
Adhesive/glue	
Agricultural implements	
Aircraft	

FORT WAYNE ZONING ORDINANCE

Animal feed
Appliances
Automobiles
Bicycles
Boats
Carbon steel pipe and tubing
Computers
Concrete and concrete products
Electronics
Insulation
Manufactured homes
Modular buildings
Motorcycles
Motors
Paper/paper products
Recreational vehicles
Spas
Stainless steel
Steel
Tile
Tires
Valves
Aquaculture
Aquaponics
<u>Assisted living facility</u>
<u>Athletic field</u>
<u>Attorney</u>
<u>Auction hall</u>
<u>Auction service</u>
<u>Audiologist</u>
<u>Audio-visual studio</u>
<u>Automatic teller machine</u>
<u>Automobile accessory store</u>
<u>Automobile auction</u>
<u>Automobile body shop</u>
<u>Automobile detailing or trim shop</u>
<u>Automobile maintenance (quick service)</u>
<u>Automobile rental</u>
<u>Automobile repair</u>
<u>Automobile restoration</u>
<u>Automobile rustproofing</u>
<u>Automobile sales</u>
<u>Automobile washing facility</u>
<u>Bait sales</u>
Bakery
<u>Bakery goods</u>
<u>Bank</u>
<u>Bankruptcy service</u>
<u>Banquet hall</u>
<u>Bar</u>

FORT WAYNE ZONING ORDINANCE

<u>Barber shop</u>
<u>Barber/beauty school</u>
<u>Batting cages</u>
<u>Beauty shop</u>
<u>Betting or other gambling facility</u>
<u>Bicycle sales and repair shop</u>
<u>Billiard or pool hall</u>
<u>Bingo establishment</u>
Bio-medical/orthopedic equipment
Bioscience development/research testing
<u>Blood bank</u>
<u>Blood or plasma donor facility</u>
<u>Boarding house</u>
Boat dry dock facility
<u>Boat sales</u>
<u>Book store</u>
<u>Bookkeeping service</u>
<u>Bottling facility</u>
<u>Bowling alley</u>
<u>Brewery</u>
<u>Brewery (micro)</u>
<u>Broadcast studio</u>
<u>Broker</u>
Business incubation office or laboratory
<u>Business training</u>
<u>Campus housing (off-site)</u>
Canvas product fabrication
<u>Stationery store</u>
<u>Catalog showroom</u>
<u>Caterer</u>
Ceramic product fabrication
<u>Check cashing</u>
<u>Child care home (class I or II)</u>
<u>Child care center</u>
<u>Chiropractor</u>
<u>Tobacco store</u>
<u>Clinic</u>
<u>Clock sales</u>
<u>Clothing alterations</u>
<u>Clothing rental</u>
<u>Clothing store</u>
<u>Club, private</u>
<u>Coffee shop</u>
<u>Coin shop</u>
<u>Collection agency</u>
<u>Community garden (including: outdoor)</u>
Compounding of:
Chemicals
Cleaning supplies
Cosmetics
Pharmaceuticals
Computer other software
<u>Computer sales and service</u>

FORT WAYNE ZONING ORDINANCE

<u>Computer software store</u>
<u>Computer training</u>
<u>Candy store</u>
<u>Consignment shop</u>
<u>Consulting service</u>
<u>Consumer electronics sales</u>
<u>Consumer electronics service</u>
Contractor (construction, excavation, landscape)
<u>Convenience store</u>
<u>Copy service</u>
Correctional services facility
<u>Cosmetic store</u>
<u>Costume rental</u>
<u>Counseling service</u>
<u>Country club</u>
<u>Craft instruction</u>
<u>Craft studio</u>
<u>Craft supply store</u>
<u>Credit service</u>
<u>Credit union</u>
Crematory
<u>Customer service facility</u>
Dairy/creamery
<u>Dance instruction</u>
<u>Data processing facility</u>
<u>Data storage facility</u>
<u>Day care</u>
<u>Day spa</u>
<u>Delicatessen</u>
<u>Dentist</u>
<u>Department store</u>
<u>Diagnostic center</u>
<u>Dialysis center</u>
<u>Diaper service facility</u>
<u>Dinner theater</u>
Distillery
<u>Distillery (micro)</u>
Distribution facility for:
Batteries
Beer
Building materials
Electrical parts
Food
Janitorial supplies
Lubrication
Machines
Medical supplies
Oil
Paint
Petroleum products
Pipe
Plumbing fixtures

FORT WAYNE ZONING ORDINANCE

Soft drinks
Steel
Tires (new)
Truck bodies
Vending machines
Windows
<u>Doctor</u>
<u>Dormitory</u>
<u>Driving instruction</u>
<u>Drug store</u>
Dry cleaning/ laundry facility (central)
<u>Dry cleaning store</u>
<u>Educational institution</u>
<u>Embroidery</u>
<u>Employment agency</u>
<u>Engine repair</u>
<u>Engineer</u>
<u>Entertainment facility</u>
Equipment rental (limited and general)
<u>Equipment service</u>
Equipment supply facility for:
Air purification
Electrical
Electric wire and cable
Fire protection
Food service
Heating, ventilation, or air conditioning
Industrial
Maintenance
Mechanical
Medical
Power transmission
Radio/communication
Restaurant
Telecommunication
Trade show/exhibit
Truck
Water softening/purification
Welding
<u>Exhibit hall</u>
<u>Exterminator</u>
<u>Fabric shop</u>
<u>Farmers market</u>
<u>Feed store</u>
<u>Finance agency</u>
<u>Financial planning service</u>
<u>Fireworks sales</u>
<u>Fitness center</u>
<u>Flea market</u>
<u>Floor covering store</u>
<u>Florist</u>
<u>Foundation office</u>

FORT WAYNE ZONING ORDINANCE

Foundry
<u>Fraternity house</u>
Freight service
<u>Fruit/vegetable store</u>
<u>Funeral home</u>
Furniture production
Group residential facility (small)
<u>Furniture refinishing/repair</u>
<u>Furniture store</u>
<u>Furrier</u>
<u>Game rental</u>
<u>Game sales</u>
<u>Garden equipment supply</u>
<u>Gift shop</u>
<u>Glass cutting/glazing shop</u>
<u>Go-kart facility ⁽¹⁾</u>
<u>Golf course, miniature</u>
<u>Golf driving range</u>
<u>Graphic design service</u>
<u>Greenhouse (retail)</u>
<u>Greenhouse (wholesale)</u>
<u>Grocery store or supermarket</u>
Group residential facility (large) ⁽¹⁾
Growing/processing/raising of natural products
<u>Gun sales</u>
<u>Gymnastics instruction</u>
<u>Hardware store</u>
<u>Haunted house</u>
<u>Health club</u>
<u>Heating sales</u>
<u>Heating service</u>
<u>Hobby shop</u>
<u>Home improvement business</u>
<u>Home improvement store</u>
<u>Home repair</u>
<u>Homeless/emergency shelter</u>
<u>Hospice care center</u>
<u>Hospital</u>
<u>Hot tub sales</u>
<u>Hotel</u>
<u>Household appliance store</u>
Hydroponics
<u>Ice cream store</u>
Information technology
<u>Insurance agency</u>
<u>Interior decorating store</u>
<u>Interior design service</u>
Internet applications/products
<u>Internet service</u>
<u>Investment service</u>
<u>Jewelry sales</u>
Junk yard (indoor)
<u>Laboratory</u>

FORT WAYNE ZONING ORDINANCE

Laboratory (testing)
<u>Land surveyor</u>
<u>Landscape contracting service</u>
Lathe/screw machine products
<u>Laundromat</u>
<u>Laundry facility (central)</u>
<u>Leather goods store</u>
<u>Legal service</u>
Limited assembly and fabrication of:
Bio-medical/orthopedic products
Communication and computation equipment
Computers and electronics
Computer hardware products
Industrial controls
Medical devices
Optical instruments
Orthopedic devices
Scientific and precision instruments
Service industry machines
Specialty equipment
<u>Live-work unit</u>
<u>Loan office</u>
<u>Luggage store</u>
Machine design facility
<u>Machine tool shop</u>
Magnet wire facility
Maintenance or repair facility
<u>Manufactured home sales</u>
<u>Marketing agency</u>
<u>Martial arts training</u>
<u>Massage therapy</u>
<u>Meat/fish market</u>
Medical device technology
<u>Medical supply sales</u>
<u>Medical training</u>
Metal and plastic extrusion and molding facility
Metal cutting
Metal fabricating
<u>Metal molding</u>
<u>Model unit</u>
<u>Mortgage service</u>
<u>Motel</u>
<u>Motor vehicle auction</u>
<u>Motor vehicle rental</u>
<u>Motor vehicle repair</u>
<u>Motor vehicle sales</u>
Movie rental
Movie sales
<u>Multiple family complex</u> ⁽²⁾
<u>Multiple family dwelling</u> ⁽²⁾
<u>Museum</u>
<u>Music instruction</u>
<u>Music store</u>

FORT WAYNE ZONING ORDINANCE

<u>Music studio</u>
<u>Musical instrument store</u>
<u>Nail salon</u>
<u>Neighborhood facility</u>
<u>Nursing home</u>
<u>Nutrition service</u>
<u>Ophthalmologist</u>
<u>Optician</u>
<u>Optometrist</u>
<u>Package liquor store</u>
Packaging facility
<u>Paint store</u>
<u>Painting studio</u>
Parking area ⁽¹⁾
<u>Parking area (off-site)</u> ⁽³²⁾
<u>Parking structure</u>
<u>Pawn shop</u>
<u>Pest control</u>
<u>Pet store</u>
<u>Pharmaceutical product compounding</u>
<u>Pharmacy</u>
<u>Photography supply store</u>
<u>Photography studio</u>
<u>Photography training</u>
<u>Physical therapy facility</u>
<u>Picture framing facility</u>
<u>Pilates instruction</u>
<u>Planetarium</u>
<u>Planner</u>
<u>Plant nursery</u>
<u>Plastic extrusion</u>
<u>Plastic molding</u>
<u>Plumbing sales</u>
<u>Plumbing service</u>
<u>Podiatrist</u>
<u>Pottery sales</u>
Printing facility
Printing press
Processing facility for:
Animals <u>(indoor: includes skins, hides, or reduction of animal matter)</u>
Animal products <u>(indoor)</u>
Lumber
Metal (anodizing, buffing, galvanizing, plating, polishing)
Raw Materials
Timber
Propane bottled gas facility
Product research and development
<u>Propane sales</u>
<u>Public transportation facility</u>
<u>Radio station</u>
<u>Railroad spur</u>
<u>Real estate</u>
<u>Reception hall</u>

FORT WAYNE ZONING ORDINANCE

<u>Recording studio</u>
<u>Recreation area</u>
<u>Recreation facility</u>
<u>Recreation uses</u>
Recycling processing facility
Refractory
Refurbishing facility
<u>Rental store</u>
Research and development facility
<u>Residential dwelling unit</u> ⁽³⁴⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽¹⁾
<u>Restaurant, including drive-through</u>
<u>Retirement facility</u>
<u>Riding stable</u>
Sales yard for:
Building materials
Lumber
Sand, gravel, stone
Salvage yard (indoor)
<u>Sandwich shop</u>
<u>Savings and loan</u>
<u>Sculpture studio</u>
<u>Seasonal sales</u>
<u>Security service</u>
Sheet metal fabrication
Sheet metal processing
<u>Shoe repair shop</u>
<u>Shoe store</u>
<u>Shooting range (indoor)</u>
Sign fabricating
<u>Sign sales store</u>
<u>Skating rink</u>
<u>Sleep disorder facility</u>
<u>Social service agency</u>
<u>Sorority house</u>
<u>Sporting goods sales</u>
<u>Stadium/racetrack</u> ⁽¹⁾
<u>Stained glass studio</u>
<u>Stock and bond broker</u>
<u>Storage shed sales</u>
<u>Surgery center</u>
<u>Swim club</u>
<u>Swimming pool sales</u>
<u>Tailor</u>
<u>Alteration service</u>
<u>Tanning salon</u>
<u>Tattoo establishment</u>
<u>Tavern</u>
<u>Tax consulting</u>
<u>Taxi service</u>
<u>Taxidermist</u>
<u>Tea room</u>

FORT WAYNE ZONING ORDINANCE

<u>Technology use or service</u>
<u>Telephone sales</u>
<u>Telephone service</u>
<u>Television station</u>
<u>Tennis club</u>
<u>Theater</u>
<u>Tire sales</u>
<u>Title company</u>
Tool and die facility
<u>Towing service</u>
<u>Townhouse complex</u> ⁽²⁾
<u>Toy store</u>
<u>Trade show facility</u>
<u>Travel agency</u>
<u>Treatment center</u>
Tree service
Truck depot/terminal
<u>Truck fueling station</u>
Truck stop
<u>Tutoring service</u>
<u>Universally permitted use</u> ⁽³²⁾
Utility facility (private)
<u>Variety store</u>
Vehicle technology (advanced)
<u>Veterinary clinic</u>
Warehouse/storage facility
<u>Watch sales</u>
<u>Watercraft sales</u>
<u>Website service</u>
<u>Wedding consultant</u>
<u>Weight loss service</u>
Welding service
Wholesale facility
Wind energy conversion system (micro) ⁽¹⁾
Wind energy conversion system (standard) ⁽²⁴⁵⁾
<u>Window repair</u>
<u>Window sales</u>
Winery
Woodworking/ carpentry
<u>Yoga instruction</u>
<u>Zoo</u>

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) See **universally permitted use** definition for additional standards
- (3) Above, to the rear of, or attached to a permitted nonresidential use
- (4) If on land of over two (2) acres not **adjacent** to a **residential district**
- (5) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))

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, general
Automobile service, limited	Personal service	Studio
Clothing	Professional office/business service	Universally permitted use
Community facility	Recreation, general	
Electronics	Recreation/tourism, limited	

~~Notes:~~

~~(1) Excluding gas stations~~

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 slaughter house (outdoor);**

~~(4)(2)~~ **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);

~~(2)(3)~~ **Fuel storage facility;**

~~(3)(4)~~ **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)(5)~~ **Group residential facility (large)** (if **adjacent** to a **residential district**);

~~(5)(6)~~ **Illuminated recreation field** (if **adjacent** to a **residential district**);

~~(6)(7)~~ **Junk yard (outdoor);**

~~(7)(8)~~ **Motor vehicle storage yard;**

~~(8)(9)~~ **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

~~(9)(10)~~ **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;

~~(10)(11)~~ **Parking or outdoor display area, gravel** (not otherwise permitted);

~~(12)~~ **Processing facility for: animals (includes skins, hides, or reduction of animal matter; outdoor) or animal products (outdoor);**

~~(11)(13)~~ **Residential facility for a court-ordered re-entry program;**

~~(12)(14)~~ **Residential facility for homeless individuals**, for up to eight (8) individuals (if **adjacent** to a **residential district**);

~~(13)(15)~~ **Salvage yard (outdoor);**

~~(14)(16)~~ **Sawmill;**

~~(15)(17)~~ **Sign** (temporary **subdivision** direction);

~~(16)(18)~~ **Solar panel (ground-mounted);**

~~(17)(19)~~ **Solid waste transfer station;**

~~(18)(20)~~ **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and

~~(19)(21)~~ **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

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	
Accessory building/structure/use	
<u>Accountant</u>	
<u>Adoption service</u>	
<u>Adult care center</u>	
<u>Advertising</u>	
<u>Agricultural equipment sales</u>	
<u>Agricultural equipment service</u>	
<u>Agricultural supply sales</u>	
<u>Air conditioning sales</u>	
<u>Air conditioning service</u>	
Air freight service	
<u>Amusement park</u>	
<u>Animal grooming</u>	
<u>Animal hospital</u>	
<u>Animal kennel</u>	
<u>Animal obedience school</u>	
<u>Animal slaughter house</u>	
<u>Answering service</u>	
<u>Antique shop</u>	
<u>Apparel and accessory store</u>	
Apparel fabrication and processing	
Asphalt plant	
Assembly of finished products	
Assembly facility for/manufacturing of:	
Adhesive/glue	
Agricultural implements	
Aircraft	
Animal feed	
Appliances	
Automobiles	
Bicycles	
Boats	

FORT WAYNE ZONING ORDINANCE

Carbon steel pipe and tubing
Computers
Concrete and concrete products
Electronics
Insulation
Manufactured homes
Modular buildings
Motorcycles
Motors
Paper/paper products
Recreational vehicles
Spas
Stainless steel
Steel
Tile
Tires
Valves
<u>Appliance store</u>
<u>Appraiser</u>
<u>Arcade</u>
<u>Architect</u>
<u>Arena</u>
<u>Art gallery</u>
<u>Art instruction</u>
<u>Art supply store</u>
<u>Art studio</u>
Aquaculture
Aquaponics
<u>Assisted living facility</u>
<u>Athletic field</u>
<u>Attorney</u>
<u>Auction hall</u>
<u>Auction service</u>
<u>Audiologist</u>
<u>Audio-visual studio</u>
<u>Automatic teller machine</u>
<u>Automobile accessory store</u>
<u>Automobile auction</u>
<u>Automobile body shop</u>
<u>Automobile detailing or trim shop</u>
<u>Automobile maintenance (quick service)</u>
<u>Automobile rental</u>
<u>Automobile repair</u>
<u>Automobile restoration</u>
<u>Automobile rustproofing</u>
<u>Automobile sales</u>
<u>Automobile washing facility</u>
<u>Bait sales</u>
Bakery
<u>Bakery goods</u>
<u>Bank</u>

FORT WAYNE ZONING ORDINANCE

<u>Bankruptcy service</u>
<u>Banquet hall</u>
Bar
Barber shop
Barber/beauty school
<u>Batting cages</u>
Beauty shop
<u>Betting or other gambling facility</u>
<u>Bicycle sales and repair shop</u>
<u>Billiard or pool hall</u>
<u>Bingo establishment</u>
Bio-medical/orthopedic equipment
Bioscience development/research testing
<u>Blood bank</u>
<u>Blood or plasma donor facility</u>
<u>Boarding house</u>
Boat dry dock facility
<u>Boat sales</u>
<u>Book store</u>
<u>Bookkeeping service</u>
Bottling facility
<u>Bowling alley</u>
Brewery
<u>Brewery (micro)</u>
Broadcast studio
<u>Broker</u>
Business incubation office or laboratory
<u>Business training</u>
<u>Campus housing (off-site)</u>
Canvas product fabrication
<u>Catalog showroom</u>
<u>Caterer</u>
Ceramic product fabrication
<u>Check cashing</u>
<u>Child care center</u>
<u>Child care home (class I or II)</u>
<u>Chiropractor</u>
<u>Tobacco store</u>
Clinic
<u>Clock sales</u>
<u>Clothing alterations</u>
<u>Clothing rental</u>
<u>Clothing store</u>
<u>Club, private</u>
<u>Coffee shop</u>
<u>Coin shop</u>
<u>Collection agency</u>
<u>Community garden (including outdoor)</u>
Compounding of:
Chemicals
Cleaning supplies
Cosmetics
Pharmaceuticals

FORT WAYNE ZONING ORDINANCE

Computer/ other software
<u>Computer sales and service</u>
<u>Computer software store</u>
<u>Computer training</u>
Concrete plant
<u>Candy store</u>
<u>Consignment shop</u>
<u>Consulting service</u>
<u>Consumer electronics sales</u>
<u>Consumer electronics service</u>
Contractor (construction, excavation, landscape)
<u>Convenience store</u>
<u>Copy service</u>
Correctional services facility
<u>Cosmetic store</u>
<u>Costume rental</u>
<u>Counseling service</u>
<u>Country club</u>
<u>Craft instruction</u>
<u>Craft studio</u>
<u>Craft supply store</u>
<u>Credit service</u>
<u>Credit union</u>
Crematory
<u>Customer service facility</u>
Dairy/creamery
<u>Dance instruction</u>
<u>Data processing facility</u>
<u>Data storage facility</u>
<u>Day care</u>
<u>Day spa</u>
<u>Delicatessen</u>
<u>Dentist</u>
<u>Department store</u>
<u>Diagnostic center</u>
<u>Dialysis center</u>
<u>Diaper service facility</u>
<u>Dinner theater</u>
Distillery
<u>Distillery (micro)</u>
Distribution facility for:
Batteries
Beer
Building materials
Electrical parts
Food
Janitorial supplies
Lubrication
Machines
Medical supplies
Oil

FORT WAYNE ZONING ORDINANCE

Paint
Petroleum products
Pipe
Plumbing fixtures
Soft drinks
Steel
Tires (new)
Truck bodies
Vending machines
Windows
<u>Doctor</u>
<u>Dormitory</u>
<u>Driving instruction</u>
<u>Drug store</u>
Dry cleaning laundry facility (central)
<u>Dry cleaning store</u>
<u>Educational institution</u>
<u>Embroidery</u>
<u>Employment agency</u>
<u>Engine repair</u>
<u>Engineer</u>
<u>Entertainment facility</u>
Equipment rental (limited and general)
<u>Equipment service</u>
Equipment supply facility for:
Air purification
Electrical
Electric wire and cable
Fire protection
Food service
Heating, ventilation, or air conditioning
Industrial
Maintenance
Mechanical
Medical
Power transmission
Radio/communication
Restaurant
Telecommunication
Trade show/exhibit
Truck
Water softening/purification
Welding
<u>Exhibit hall</u>
<u>Exterminator</u>
<u>Fabric shop</u>
<u>Farmers market</u>
<u>Feed store</u>
<u>Finance agency</u>
<u>Financial planning service</u>
<u>Fireworks sales</u>
<u>Fitness center</u>

FORT WAYNE ZONING ORDINANCE

<u>Flea market</u>
<u>Floor covering store</u>
<u>Florist</u>
<u>Foundation office</u>
Foundry
<u>Fraternity house</u>
Freight service
<u>Fruit/vegetable store</u>
Fuel storage facility
<u>Funeral home</u>
Furniture production
<u>Furniture refinishing/repair</u>
<u>Furniture store</u>
<u>Furrier</u>
<u>Game rental</u>
<u>Game sales</u>
<u>Garden equipment supply</u>
Gas station ⁽⁵⁾
<u>Gift shop</u>
<u>Glass cutting/glazing shop</u>
<u>Go-kart facility</u> ⁽¹⁾
<u>Golf course, miniature</u>
<u>Golf driving range</u>
Graphic design service
<u>Greenhouse (retail)</u>
<u>Greenhouse (wholesale)</u>
<u>Grocery store or supermarket</u>
Group residential facility (large) ⁽¹⁾
Group residential facility (small)
Growing/processing/raising of natural products
<u>Gun sales</u>
<u>Gymnastics instruction</u>
<u>Hardware store</u>
<u>Haunted house</u>
<u>Health club</u>
<u>Heating sales</u>
<u>Heating service</u>
<u>Hobby shop</u>
<u>Home improvement business</u>
<u>Home improvement store</u>
<u>Home repair</u>
Homeless/emergency shelter
<u>Hospice care center</u>
<u>Hospital</u>
<u>Hot tub sales</u>
<u>Hotel</u>
<u>Household appliance store</u>
Hydroponics
<u>Ice cream store</u>
Information technology
<u>Insurance agency</u>
<u>Interior decorating store</u>
<u>Interior design service</u>

FORT WAYNE ZONING ORDINANCE

Internet applications/products
<u>Internet service</u>
<u>Investment service</u>
<u>Jewelry sales</u>
Junk yard
<u>Laboratory</u>
Laboratory (testing)
<u>Land surveyor</u>
<u>Landscape contracting service</u>
Lathe/screw machine products
<u>Laundromat</u>
<u>Laundry facility (central)</u>
<u>Leather goods store</u>
<u>Legal service</u>
Limited assembly and fabrication of:
Bio-medical/orthopedic products
Communication and computation equipment
Computers and electronics
Computer hardware products
Industrial controls
Medical devices
Optical instruments
Orthopedic devices
Scientific and precision instruments
Service industry machines
Specialty equipment
<u>Live-work unit</u>
<u>Loan office</u>
<u>Luggage store</u>
Machine design facility
Machine tool shop
Magnet wire facility
Maintenance or repair facility
<u>Manufactured home sales</u>
<u>Marketing agency</u>
<u>Martial arts training</u>
<u>Massage therapy</u>
<u>Meat/fish market</u>
Medical device technology
<u>Medical supply sales</u>
<u>Medical training</u>
Metal and plastic extrusion and molding facility
Metal cutting
Metal fabricating
<u>Metal molding</u>
<u>Model unit</u>
<u>Mortgage service</u>
<u>Motel</u>
<u>Motor vehicle auction</u>
<u>Motor vehicle rental</u>
<u>Motor vehicle repair</u>
<u>Motor vehicle sales</u>
Motor vehicle storage yard

FORT WAYNE ZONING ORDINANCE

<u>Movie rental</u>
<u>Movie sales</u>
<u>Multiple family complex</u> ⁽⁶⁾
<u>Multiple family dwelling</u> ⁽⁶⁾
<u>Museum</u>
<u>Music instruction</u>
<u>Music store</u>
<u>Music studio</u>
<u>Musical instrument store</u>
<u>Nail salon</u>
<u>Neighborhood facility</u>
<u>Nursing home</u>
<u>Nutrition service</u>
<u>Ophthalmologist</u>
<u>Optician</u>
<u>Optometrist</u>
<u>Package liquor store</u>
<u>Packaging facility</u>
<u>Paint store</u>
<u>Painting studio</u>
<u>Parking area</u>
<u>Parking area (off-site)</u> ⁽²⁾
<u>Parking structure</u>
<u>Pawn shop</u>
<u>Pest control</u>
<u>Pet store</u>
<u>Pharmaceutical product compounding</u>
<u>Pharmacy</u>
<u>Photography supply store</u>
<u>Photography studio</u>
<u>Photography training</u>
<u>Physical therapy facility</u>
<u>Picture framing facility</u>
<u>Pilates instruction</u>
<u>Planetarium</u>
<u>Planner</u>
<u>Plant nursery</u>
<u>Plastic extrusion</u>
<u>Plastic molding</u>
<u>Plumbing sales</u>
<u>Plumbing service</u>
<u>Podiatrist</u>
<u>Pottery sales</u>
<u>Printing facility</u>
<u>Printing press</u>
<u>Processing facility for:</u>
<u>Animals (includes skins, hides, or reduction of animal matter)</u>
<u>Animal products</u>
<u>Lumber</u>
<u>Metal (anodizing, buffing, galvanizing, plating, polishing)</u>
<u>Raw materials</u>
<u>Timber</u>
<u>Propane/bottled gas facility</u>

FORT WAYNE ZONING ORDINANCE

Product research and development
<u>Propane sales</u>
<u>Public transportation facility</u>
<u>Radio station</u>
<u>Railroad spur</u>
<u>Real estate</u>
<u>Reception hall</u>
<u>Recording studio</u>
<u>Recreation area</u>
<u>Recreation facility</u>
<u>Recreation uses</u>
Recycling processing facility
Refractory
Refurbishing facility
<u>Rental store</u>
Research and development facility
<u>Residential dwelling unit</u> ⁽³⁾
Residential facility for homeless individuals <u>(up to 8)</u> ⁽¹⁾
<u>Restaurant, including drive-through</u>
<u>Retirement facility</u>
<u>Riding stable</u>
Sales yard for:
Building materials
Lumber
Sand, gravel, stone
Salvage yard
<u>Sandwich shop</u>
<u>Savings and loan</u>
<u>Sculpture studio</u>
<u>Seasonal sales</u>
<u>Security service</u>
Sheet metal fabrication
Sheet metal processing
<u>Shoe repair shop</u>
<u>Shoe store</u>
<u>Shooting range (indoor)</u>
Sign fabricating
<u>Sign sales store</u>
<u>Skating rink</u>
<u>Sleep disorder facility</u>
<u>Social service agency</u>
Solid waste transfer station
<u>Stationery store</u>
<u>Sorority house</u>
<u>Sporting goods sales</u>
<u>Stadium/racetrack</u> ⁽¹⁾
<u>Stained glass studio</u>
<u>Stock and bond broker</u>
<u>Storage shed sales</u>
<u>Surgery center</u>
<u>Swim club</u>

FORT WAYNE ZONING ORDINANCE

<u>Swimming pool sales</u>
<u>Tailor</u>
<u>Alteration service</u>
<u>Tanning salon</u>
<u>Tavern</u>
<u>Tattoo establishment</u>
<u>Tax consulting</u>
<u>Taxi service</u>
<u>Taxidermist</u>
<u>Tea room</u>
<u>Technology use or service</u>
<u>Telephone sales</u>
<u>Telephone service</u>
<u>Television station</u>
<u>Tennis club</u>
<u>Theater</u>
<u>Tire sales</u>
<u>Title company</u>
Tool and die facility
<u>Towing service</u>
<u>Townhouse complex</u> ⁽⁶⁾
<u>Toy store</u>
<u>Trade show facility</u>
<u>Travel agency</u>
<u>Treatment center</u>
Tree service
Truck depot/terminal
<u>Truck fueling station</u>
Truck stop
<u>Tutoring service</u>
<u>Universally permitted use</u> ⁽²⁾
Utility facility (private)
<u>Variety store</u>
Vehicle technology (advanced)
<u>Veterinary clinic</u>
<u>Watch sales</u>
<u>Watercraft sales</u>
<u>Website service</u>
<u>Wedding consultant</u>
<u>Weight loss service</u>
Welding service
Warehouse/storage facility
Wholesale facility
Wind energy conversion system (micro) ⁽¹⁾
Wind energy conversion system (standard) ⁽²⁴⁾
<u>Window repair</u>
<u>Window sales</u>
Winery
Woodworking/ carpentry
<u>Yoga instruction</u>
<u>Zoo</u>

FORT WAYNE ZONING ORDINANCE

Notes:

- (1) If not **adjacent** to a **residential district**
- (2) See **universally permitted use** definition for additional standards
- (3) Above, to the rear of, or attached to a permitted nonresidential use
- (4) If on land of over two acres not **adjacent** to a **residential district**
- (5) No **gas station** canopy shall be located between the primary building and a **residential district**
- (6) See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1))

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**, for up to eight (8) individuals (if **adjacent** to a **residential district**);
- (9) **Sawmill**;
- (10) **Sign** (temporary **subdivision** direction);
- (11) **Solar panel (ground-mounted)**;
- (12) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- (13) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

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 proposing multiple more than one new primary buildings on a single lot or development site	✓	✓
Projects involving proposing 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

(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-six~~ (642) 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. If the applicant has not requested an extension, DPS staff may void the application.

(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. If the applicant has not requested an extension, DPS staff may void the approval.

(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 ten (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.

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** ~~where: that has been approved by the Commission;~~

~~[A]~~ The **Commission** has granted secondary approval; and

~~[A]~~~~[B]~~ **Improvement Location Permits and Certificates of Compliance** have been issued for the entire development.

~~(iii)~~(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)~~(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)~~(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)~~(vi) A division of a **parcel** of land for federal, state, or local government to acquire for public purposes;

~~(vii)~~(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)~~(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.

(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**, or an alternative access approved by the Fort Wayne Traffic Engineering Department.

(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

(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** and temporary outdoor sales shall be permitted within ten (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**, except for **automobile**, boat, and similar **motor 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 ten (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 ten (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).

FORT WAYNE ZONING ORDINANCE

§ 157.403 TEMPORARY BUILDINGS, STRUCTURES AND USES

(A) Temporary Accessory Structures

- (1) A temporary **accessory structure** shall be permitted for any **universally permitted use**, or in a **nonresidential district**, subject to the following standards and requirements:
 - (a) A temporary mobile classroom **structure** shall be permitted up to two years;
 - (b) A temporary **storage** or similar **temporary structure**, including a **portable storage container**, 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;
 - (c) 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
 - (d) This subsection shall not apply to temporary construction or sales **structures**, **mobile food service units**, or tents.
- (2) A temporary **storage** or similar **structure**, including a **portable storage container**, shall be permitted in a **residential district** for up to 90 days without a **Certificate of Use**; if the applicant obtains a **Certificate of Use** then the **structure** may be permitted up to 120 days.

(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 ~~fourteen-thirty~~ (30-44) 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** or public rights-of-way 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.

FORT WAYNE ZONING ORDINANCE

(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.
- (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; a temporary tent shall only be permitted on a **lot** with an existing **primary building**, and shall only be permitted for a **use** that is permitted in the **district** where the tent is to be located.

- (1) 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 ~~fourteen-thirty (30-14)~~ days per event;
- ~~(2) — 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 fourteen (14) days per event; the applicant shall obtain a Certificate of Use; or~~
- ~~(3)~~(2) 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 ~~fourteen-thirty (30-14)~~ 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.~~

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; and
- (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

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 • Building Separation • Building Size • Number of Buildings on a Lot • Height • Lot Area and Width • Yard Requirements • Zoning Overlay Districts	§157.404(W)	✓	✓	✓	✓
Design standards (downtown)	§157.404(X)	✓	✓		
KEY					
DP = Development Plan	SP = Site Plan	MJS = Major Subdivision	MNS = Minor Subdivision	✓ = Standard is applicable	

FORT WAYNE ZONING ORDINANCE

(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-two hundred~~ (20050) 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.

(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 Hazard Area shall also comply with the floodplain regulations as set forth in §157.412.

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(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%

- ~~(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;~~

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~~(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.~~

~~In addition, t~~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 required and 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, if engineering plans have been approved for the trail, 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 all **development** proposed as part of a primary **Development** Plan since April 4, 2014) 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**.
- (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**.

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- (c) Sidewalks shall not be required for outdoor eating/drinking/smoking area site plan review projects.
- (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, and 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.

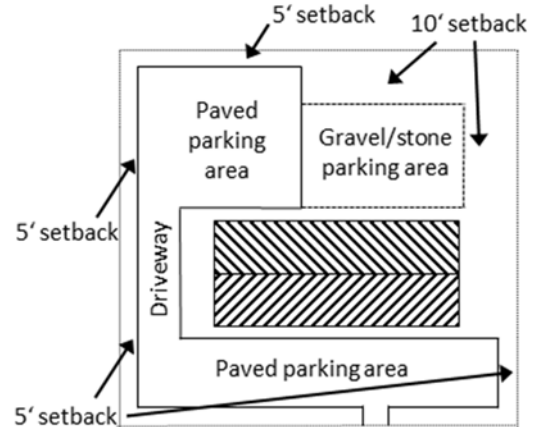
 - (1) Additional Height Standards

No **primary 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.~~
 - ~~(e)~~(b) 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.
- (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.

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- (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 twenty 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 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) **Airport**;
 - (ii) **Community garden**;
 - (iii) **Cemetery**;
 - (iv) **Fairground**;
 - (v) **Hospital**;
 - (vi) **Nature preserve**;

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§ 157.412 FLOODPLAIN

(A) Statutory Authorization, Findings of Fact, Purpose, and Methods

(1) Statutory Authorization

The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Fort Wayne does hereby adopt the following floodplain management regulations.

(2) Findings of Fact

The flood hazard areas of the City 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. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(3) Statement of Purpose

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (f) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (j) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (l) Meet community participation requirements of the National Flood Insurance Program

This Entire Floodplain Section Is Being Repealed and Replaced

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(4) Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(B) Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them meaning they have in common usage and to give this section its most reasonable application. The definitions listed below shall only apply to this section.

Alteration of a Watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

Accessory Structure

Accessory structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- (1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- (3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 - (a) Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - (b) Structures used by the public, such as a place of employment or entertainment; and,
 - (c) Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

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Addition (to an existing Structure)

Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Aerator

A mechanical device placed within a public freshwater lake that is used to accomplish any of the following:

- (1) Increase the amount of dissolved oxygen in the water.
- (2) Increase the decomposition of organic materials.
- (3) Alter water flow or circulation.
- (4) Reduce icing.
- (5) Enhance audio or visual enjoyment by bubbling or spraying water.

Appeal

A request for a review of the floodplain administrator's interpretation of any provision of this section, a request for a variance, or a challenge of a board decision.

Area of Special Flood Hazard

The land within a community subject to a one (1) percent or greater chance of being flooded in any given year.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE)

Means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement

That portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL)

Floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building - See "Structure."

Community

A political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

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Development

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of boat lifts, docks, piers and seawalls;
- (7) construction and/or reconstruction of bridges or culverts;
- (8) storage of materials; or
- (9) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Dry Hydrant

A structure that does both of the following:

- (1) Extends lakeward of the legally established or average normal waterline or shoreline.
- (2) Provides a means of suction water supply without direct drafting for fire protection.

Elevation Certificate

A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure)

An area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor - See “Lowest Floor” and “Enclosed Area.”

Existing Manufactured Home Park or Subdivision

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) was completed before May 24, 1974.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA

The Federal Emergency Management Agency.

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Fill

Fill for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source;
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Hazard Area

Areas subject to the one percent annual chance flood. (See “Special Flood Hazard Area”)

Flood Insurance Rate Map (FIRM)

An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS)

The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

Flood Prone Area

Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

Flood Protection Grade (FPG)

The BFE plus two (2) feet at any given location in the SFHA. (see “Freeboard”)

Flood-Related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding.

Floodplain

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (See “Flood”)

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Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (Dry Floodproofing)

A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate

A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard

A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe

The portion of the floodplain lying outside the floodway.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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Glacial Stone

A rounded stone that satisfies each of the following:

- (1) Was produced by glacial activity.
- (2) No individual stone weighs more than one hundred twenty (120) pounds.
- (3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.
- (4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.

Hardship (as Related to Variances of This Section)

The exceptional hardship that would result from a failure to grant the requested variance. The City of Fort Wayne Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure

Any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the National Park Service) or preliminarily determined by either the Indiana DNR-Division of Historic Preservation and Archaeology, or by the National Park Service as meeting the requirements for individual listing on the National Register; or
- (2) certified or preliminarily determined by either the Indiana DNR-Division of Historic Preservation and Archaeology, or by the National Park Service as a "contributing property" in a historic district listed in the National Register of Historic Places, or in a historic district preliminarily determined by the Indiana DNR-Division of Historic Preservation and Archaeology or the National Park Service as meeting the eligibility for listing in the National Register; or
- (3) individually listed, with a rating of "Outstanding" in the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) Historic Resources Inventory, the Indiana SHAARD GIS map site, or any successors to these data platforms; or
- (4) individually listed as a Fort Wayne local historic district or a contributing building or historic resource within a Fort Wayne multi-property historic district; or
- (5) a "Notable" or "Outstanding" individual property, or a contributing resource in a listed or eligible historic district included in the Fort Wayne Cultural Resources Inventory; or
- (6) if individually listed, with a rating of "Notable" in the Indiana SHAARD Historic Resources Inventory, the Indiana SHAARD GIS map site, or if a building does not fall into any of these categories but is questionable in its absence, consult with the City of Fort Wayne Historic Preservation Staff.

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Hydrologic and Hydraulic Engineering Analysis

Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report

A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD)

A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC)

A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

- (1) Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- (2) Conditional Letter of Map Revision Based on Fill (CLOMR-F) means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- (3) Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a building or of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- (4) Letter of Map Amendment Out as Shown (LOMA-OAS) means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- (5) Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- (6) Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest Adjacent Grade

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

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Lowest Floor

For floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.
- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure elevated on pilings or pillars.
- (5) 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 floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - (a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - (b) At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) 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. Doorways and windows do not qualify as openings.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

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" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value

The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal or assessed values.

Mitigation

Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural Grade

Natural grade for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New Construction

New construction for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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New Manufactured Home Park or Subdivision

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 on or after May 24, 1974.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993

A vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent Annual Chance Flood

The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. (see “Regulatory Flood”).

Physical Map Revision (PMR)

An official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Prefabricated Building

A building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally Above Ground

Means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

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Public Freshwater Lake

A naturally formed lake (not man made) that has been used by the public with the acquiescence of a riparian owner. A listing of Indiana public freshwater lakes is maintained in Natural Resources Commission Information Bulletin #61.

Recreational Vehicle

A vehicle which is

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory Flood

A flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in this section. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA)

Synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the County subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Zones A, AE, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

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Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 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 a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stem Wall Foundation, Backfilled

A solid perimeter foundation that is backfilled with compacted structural fill, concrete, or gravel that supports a floor slab (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill).

Structure

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

Substantial Damage

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 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Temporary structure (Public Freshwater Lakes only)

A structure that can be installed and removed from the waters of a public freshwater lake without using a crane, bulldozer, backhoe, or similar heavy or large machinery.

Examples of a temporary structure include the following:

- (1) A pier that is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and is not mounted in or comprised of concrete or cement.
- (2) A boat shelter, boat lift, or boat hoist that has a canvas top and sides; is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter; is not mounted in or comprised of concrete or cement; is designed to float or to rest upon the bed of

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the lake under its own weight if any structure to which it is attached complies with this section; and is not wider than ten (10) feet nor longer than twenty (20) feet.

Variance

A grant of relief from the requirements of this section consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with this section.

Walled and Roofed

A building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(C) General Provisions

(1) Lands to Which This Section Applies

This section shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Fort Wayne, Indiana as identified in §157.412(C)(2), including any additional areas of special flood hazard annexed by the City of Fort Wayne, Indiana.

(2) Basis for Establishing the Areas of Special Flood Hazard

- (a)** The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Fort Wayne, delineated as an “AE Zone” on the Allen County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 3, 2009 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Allen County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated August 3, 2009, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (b)** The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Fort Wayne, delineated as an “A Zone” on the Allen County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer data provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer, 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.
- (c)** The regulatory flood elevation for each SFHA of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an “Zone AE” on the Allen

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County, Indiana and Incorporated Areas shall be in the stillwater elevation tables in the Flood Insurance Study of Allen County, Indiana and Incorporated Areas dated August 3, 2009, and any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

- (d) The regulatory flood elevation for each SFHA of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an “Zone A” on the Allen County, Indiana and Incorporated Areas dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood 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.
 - (e) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
 - (f) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
- (3) Establishment of Floodplain Development Permit
- A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.
- (4) Compliance
- (a) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations.
 - (b) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this section applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
 - (c) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.
- (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.

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(6) Discrepancy between Mapped Floodplain and Actual Ground Elevations

- (a) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- (b) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (c) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(7) Interpretation

In the interpretation and application of this section all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Liability

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. Therefore, this section does not create any liability on the part of the City of Fort Wayne, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(9) Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this section. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Fort Wayne. All violations shall be punishable by a fine not exceeding \$2,500.00.

- (a) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (b) The Fort Wayne Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (c) Nothing herein shall prevent the City of Fort Wayne from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

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(D) Administration

(1) Designation of Administrator

The Fort Wayne Plan Commission of the the City of Fort Wayne hereby appoints the Fort Wayne Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the Floodplain Administrator.

(2) Floodplain Development Permit and Certification Requirements

An application for a Floodplain Development Permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application Stage

- (i) A description of the proposed development;
- (ii) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
- (iii) A legal description of the property site;
- (iv) A site development plan showing existing and proposed development locations and existing and proposed land grades;
- (v) For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- (vi) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;
- (vii) Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
- (viii) Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;
- (ix) Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- (x) Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- (xi) Plans showing how any proposed structure will be anchored to resist flotation or collapse;

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- (xii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
- (xiii) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See §157.412(D)(3)(h) and §157.412(D)(5) for additional information)
- (xiv) Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this section.

(b) Construction Stage

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. 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.

(c) Finished Construction

- (i) Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- (ii) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
- (iii) Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose.

Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (a) Enforce the provisions of this section.
- (b) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this section have been satisfied.

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- (c) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information..
- (d) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (e) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the Floodplain Development Permit.
- (f) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (g) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - (i) Verify and document the market value of the pre-damaged or pre-improved structure;
 - (ii) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
 - (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. For non-substantial additions or improvements, or non-substantial reconstruction or repairs, only one development project shall be permitted per twenty-four (24) month period. The project shall be completed within the twenty-four (24) months. An addition, improvement, reconstruction, or repair project that is continuous in scope or time shall be considered as one project for permitting purposes; and
 - (iv) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in §157.412(E) are required.
- (h) 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.
- (i) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), and §157.412(E)(1)(d). Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- (j) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if §157.412(D)(3)(j) is applicable.

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- (k) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (l) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with §157.412(D)(2).
 - (m) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with §157.412(D)(2).
 - (n) Make on-site inspections of projects in accordance with §157.412(D).
 - (o) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
 - (p) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of water.
 - (q) Provide information, testimony, or other evidence as needed during variance hearings.
 - (r) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with §157.412(D)(4).
 - (s) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to §157.412(D)(4).
 - (t) Coordinate map maintenance activities and associated FEMA follow-up in accordance with §157.412(D)(5).
 - (u) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
 - (v) Request 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.
- (4) Administrative Procedures
- (a) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
 - (b) Stop Work Orders
 - (i) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this section shall immediately cease.

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- (ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
 - (c) Revocation of Permits
 - (i) The floodplain administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (ii) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this section.
 - (d) Floodplain Management Records
 - (i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this section shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section.
 - (ii) These records shall be available for public inspection at the offices of the Department of Planning Services (Suite 150, 200 East Berry Street, Fort Wayne Indiana).
 - (e) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) Map Maintenance Activities
- To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Fort Wayne flood maps, studies and other data identified in §157.412(C)(2) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:
- (a) Requirement to Submit New Technical Data
 - (i) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

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- [A] Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - [B] Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - [C] Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- (ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - (iii) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a Floodplain Development Permit for proposed floodway encroachments that increase the base flood elevation.
 - (iv) Floodplain Development Permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.
- (b) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Fort Wayne and may be submitted to FEMA at any time.
 - (c) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Fort Wayne have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that Allen County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Fort Wayne boundaries, include within such notification a copy of a map of the City of Fort Wayne suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Fort Wayne has assumed or relinquished floodplain management regulatory authority.
- (6) Variance Procedures
 - (a) The Board of Zoning Appeals (the Board) as established by the Fort Wayne Plan Commission shall hear and decide appeals and requests for variances from requirements of this section.
 - (b) The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement

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or administration of this section. Any person aggrieved by the decision of the Board may appeal such decision to the Allen County Circuit Court.

- (c) In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and:
 - (i) the danger to life and property due to flooding or erosion damage;
 - (ii) the danger that materials may be swept onto other lands to the injury of others;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the compatibility of the proposed use with existing and anticipated development;
 - (vii) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (viii) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (ix) the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
 - (x) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (d) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (e) Variances from the provisions of this section shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - (i) A showing of good and sufficient cause.
 - (ii) A determination that failure to grant the variance would result in exceptional hardship as defined in §157.412(B).
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (f) No variance for a residential use within a floodway subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) may be granted.
- (g) Any variance granted in a floodway subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) of this section will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Variances to the Provisions for Flood Hazard Reduction of §157.412(E), may be granted only when a new structure is to be located on a lot of one-half acre or less in

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size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

- (i) Variances may be issued for the repair or rehabilitation of “historic structures” 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 the minimum to preserve the historic character and design of the structure.
- (j) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- (k) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (l) Upon consideration of the factors listed above and the purposes of this section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
- (m) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (n) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

(E) Provisions for Flood Hazard Reduction

(1) Floodplain Status Standards

(a) Floodways (Riverine)

Located within SFHAs, established in §157.412(C)(2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (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 building 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. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- (i) If the site is in a regulatory floodway as established in §157.412(C)(2), the Floodplain 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 approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- (ii) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets

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specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.

- (iii) The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
 - (iv) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of §157.412(D)(5)(a). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
 - (v) In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
 - (vi) 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 per mapping standard regulations found at 44 CFR § 65.12.
- (b) Fringe (Riverine)
- If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this section have been met.
- (c) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)
- (i) Drainage area upstream of the site is greater than one square mile:
 - [A] If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
 - [B] No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood

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Protection Grade has been received from the Indiana Department of Natural Resources.

- [C] Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- (ii) Drainage area upstream of the site is less than one square mile:

- [A] If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

- [B] Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this section.

- (d) SFHAs not Identified on a Map

- (i) If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- (ii) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- (iii) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

- (e) Public Freshwater Lakes

Within the SFHA are public freshwater lakes. Public freshwater lakes are governed by IC 14-26-2 (sometimes referred to as the Lakes Preservation Act) and rules adopted by the Natural Resource Commission at 312 IAC 11-1 through 312 IAC 11-5 to assist with its implementation. A listing of public freshwater lakes can be found in the Indiana Register, Information Bulletin #61. Noting while Lake Freeman and Lake Shafer are listed, Indiana Department of Natural Resources and Natural Resource

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Commission authority is abridged by IC 14-26-2-15. Dredging of public freshwater lakes is addressed in the Indiana Register, Information Bulletin #60.

- (i) Lakes Preservation Act jurisdiction is based on the specific lake's legally established lake level, where this legally established elevation (legal lake level) meets the land along the shoreline. When no legal lake level is established for a lake, average normal shoreline at each site is used, based on observation of breaks such as lakebed vs ground and lines of demarcation.
- (ii) Indiana Department of Natural Resources approval is required for excavation, fill, and placement, modification or repair of a temporary or permanent structure over, along or lakeward of the shoreline or waterline of a public freshwater lake. Walls landward of the shoreline (within ten (10) feet) and below legal or normal water level of a public freshwater lake also require prior approval from DNR.
- (iii) General licenses and exemptions to the Lake Preservation Act may apply to the placement of temporary piers, dry hydrants, aerators, or glacial stone reface, provided they meet the specific criteria of the Public Lakes Rules.
- (iv) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval or qualification for a general license has been verified. Once a permit or approval has been issued by the Indiana Department of Natural Resources (or general license qualification verified), the Floodplain Administrator may issue the local Floodplain Development Permit, provided the applicable provisions contained in this article have been met. The Floodplain Development Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(2) General Standards

In all areas of special flood hazard, the following provisions are required:

- (a) All new construction, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (c) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;
- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- (e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

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- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (h) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of “new construction” as contained in this section;
- (i) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres;
- (j) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this section applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development;
- (k) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3’ horizontal to 1’ vertical;
- (l) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - (i) The excavation shall take place in the same floodplain on the same property on which the authorized fill or structure is located, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same floodplain no further than 2,000’ (as measured from closest point of the project property, to the closest point of the compensatory storage cut area) from the site of the authorized fill or structure, provided authorization/permission has been granted by the owners of any property where the excavation is proposed.
 - (ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled.
 - (iii) The excavation shall not be subject to ponding when not inundated by floodwater; the excavation volume area shall solely be used for floodwater storage.
 - (iv) The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - (v) A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the County Recorder’s Office that runs with the property. The covenant shall be recorded prior to the issuance of the Certificate of Compliance for the Floodplain Development Permit, or any applicable Certificate of Use.

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- (vi) The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - (vii) The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.
 - (viii) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a structure is placed on fill it shall follow additional requirements of §157.412(E)(3)(b)(iv) and §157.412(E)(3)(c)(iv).
 - (ix) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.
- (m) Exceptions to Compensation Requirements
- (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 on lots under $\frac{1}{2}$ acre;
 - (ii) In the floodway fringe, 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:
 - [A] No fill shall be placed within 15 feet of a side lot line;
 - [B] No fill shall be placed within 15 feet of a front or rear lot line;
 - [C] No fill shall be placed within 10 feet outside a floodway boundary as shown on the FIRM map; and
 - [D] 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).
 - (iii) 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(E)(2); compensatory storage as permitted in §157.412(E)(2)(I); 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.
- (3) Specific Standards
- In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in §157.412(C)(2) the following provisions are required:
- (a) Building Protection Requirement. In addition to the general standards described in §157.412(E)(2), structures to be located in the SFHA shall be protected from flood

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damage below the FPG. This building protection requirement applies to the following situations:

- (i) Construction or placement of a residential structure;
 - (ii) Construction or placement of a non-residential structure;
 - (iii) Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
 - (iv) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);
 - (v) Installing a travel trailer or recreational vehicle on a site for more than 180 days;
 - (vi) Installing a manufactured home on a new site or a new manufactured home on an existing site.
- (b) Residential Construction (excluding manufactured homes)
- (i) New construction or substantial improvement of any residential structures shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).
 - (ii) In the SFHA, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §157.412(E)(3)(b)(iii). Should fill be used to elevate a structure, the standards of §157.412(E)(3)(b)(iv) must be met.
 - (iii) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - [A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report). Non-engineered openings must have a total net area of not less than one square inch for every one square foot of enclosed area. Both engineered and non-engineered flood openings must meet the following installation criteria:
 - [1] Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls;

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- [2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - [3] If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE;
 - [4] If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
 - [5] Doors and windows do not qualify as openings;
 - [6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- [B] The floor of such enclosed area must be at or above grade on at least one side.
- [C] The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (iv) A residential structure may be constructed on fill in accordance with the following
 - [A] Fill shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - [B] Fill shall extend five (5) feet beyond the foundation of the structure before sloping below the BFE;
 - [C] Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
 - [D] Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (v) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
- (c) Nonresidential Construction
 - (i) New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).
 - (ii) In the SFHA, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of

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§157.412(E)(3)(c)(iii). Should fill be used to elevate a structure, the standards of §157.412(E)(3)(c)(iv) must be met.

- (iii) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - [A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - [1] Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
 - [2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - [3] If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - [4] If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
 - [5] Doors and windows do not qualify as openings;
 - [6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - [B] The floor of such enclosed area must be at or above grade on at least one side.
 - [C] The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (iv) A nonresidential structure may be constructed on fill in accordance with the following:
 - [A] Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - [B] Shall extend five (5) feet beyond the foundation of the structure before sloping below the BFE;
 - [C] Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical; and
 - [D] Shall not adversely affect the flow of surface drainage from or onto neighboring properties.

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- (v) A nonresidential structure may be floodproofed in accordance with the following:

A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure 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 floodplain administrator.

- (vi) A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(d) **Manufactured Homes and Recreational Vehicles**

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- (i) These requirements apply to all manufactured homes to be placed on a site in the SFHA.

[A] The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[B] Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §157.412(E)(3)(b).

[C] Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

- (ii) Recreational vehicles placed on a site in the SFHA shall either:

[A] Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or

[B] Meet the requirements for “manufactured homes” as stated earlier in this section.

(e) **Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- (i) Shall have a floor area of 400 square feet or less;
- (ii) Use shall be limited to parking of vehicles and limited storage;
- (iii) Shall not be used for human habitation;
- (iv) Shall be constructed of flood resistant materials;

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- (v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (vi) Shall be firmly anchored to prevent flotation;
- (vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- (viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §157.412(E)(3)(c)(iii); and
- (ix) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(f) Free Standing Pavilions, Gazebos, Decks, Carports, and Similar Development

Within SFHAs on the community's FIRM, new construction or placement of pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- (i) Shall have open sides (having not more than one rigid wall);
- (ii) Shall be anchored to prevent flotation or lateral movement;
- (iii) Shall be constructed of flood resistant materials below the FPG;
- (iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
- (v) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a pavilion, gazebo, carport, or similar open-sided development.

(g) Above Ground Gas or Liquid Storage Tanks

Within SFHAs designated as Zones A, AE on the community's FIRM, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in §157.412(E)(3)(c).

(4) Standards for Subdivision and Other Subdivision Related Development

- (a) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- (e) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

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- (f) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (g) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible floodway areas shall be included in common areas as part of the subdivision. If the floodway area cannot be included as a common area, it should be included in a surface drainage easement.

(F) Severability

If any section, subsection, sentence, clause, or phrase of this section is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

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(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 except for ornamental fences and open decks, open porches, or stoops, 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.
- (g) Notwithstanding the other **Improvement Location Permit** validity provisions included herein, any application for a non-Site Plan Review **Improvement Location Permit** shall be void if a complete application is not submitted within three (3) months of the submission of an **ILP** incomplete 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	Sign (as set forth in §157.409)
Access ramp	Hedge	Site lighting facilities
Address marker	Holiday decorations	Solar panel (building mounted)
Arbor	Landscape elements	Stoop
Basketball backboard/goal	Mail delivery box	Storage tank (underground)
Bird bath	Manufactured home, Type II (if located in a manufactured home park)	Swing set
Bird feeder	Manufactured home, Type III (if located in a manufactured home park)	Television aerial
Bird house	Name plate	Temporary sign
Commercial communication tower (if located within City right-of-way)	Newspaper delivery box	Tree house (not attached to ground)
Dog/pet house	Patio (without foundations/footings)	Trellis
Driveway	Play equipment	Utility fixtures (including lines/poles/supports)
Fence (temporary construction)	Pond	Walk
Fence (agricultural)	Property boundary marker	Wall (retaining)
Flagpole	Rain barrel/garden	Yard light
Garden	Satellite dish	

(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.

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 §157.411(I) 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 dwelling residence	AR
Accessory building, as a primary building, on a site of at least five (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 , <u>DE and UC</u>
Animal service, indoor	C1
Animal keeping (small)	DE and UC
Animal kennel	C1
Animal obedience school	C1
Automatic teller machine (ATM) (stand-alone ATM)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile sales	C2, NC, and SC
Automobile Service, General (excluding gas station uses)	I1
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, and
Commercial communication tower ⁽²⁾	C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
Community facility <u>not otherwise permitted</u> (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
Community garden that includes a structure or water	UC
Country club	AR, R1, R2, R3, RP, and MHS
Educational institution uses	AR, R1, R2, R3, RP, MHS⁽⁺⁾, C1, C2, C3, DE, UC
<u>Educational institution</u> (not otherwise permitted)	<u>AR, R1, R2, R3, RP and MHS⁽¹⁾</u>
<u>Educational institution</u> associated facilities, uses, and areas (on noncontiguous properties)	<u>AR, R1, R2, R3, RP and MHS</u>
<u>Educational institution</u> -associated uses (on non-contiguous properties, not otherwise permitted)	<u>C1, C2, NC, SC, C3, C4, DE, and UC</u>
Emergency response facility (transitional use)	R1, R2, R3, RP, and MHS

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SPECIAL USES	
Special Use	District(s) Where Allowed
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

SPECIAL USES	
Special Use	District(s) Where Allowed
Gas station	C2, <u>and</u> NC, <u>and</u> DE (except when a gas station site is adjacent to a residential district, or is on a street that is directly opposite from a residential district), and <u>DE, I1, and I2</u>
Golf course	<u>AR, R1, R2, R3, RP, and MHS</u>
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) ⁽¹⁾	AR, R1, R2, R3, RP, MHS, <u>C1, C2, NC, SC, C3, C4, DC, DE, and UC, I1, I2, and I3</u>
<u>Group residential facility (large) (if adjacent to a residential district)</u>	<u>C1, C2, NC, SC, C3, C4, I1, I2, and I3</u>
<u>Group residential facility (small)</u>	<u>DC, DE, and UC</u>
<u>Growing/processing/raising of natural products</u>	<u>I1</u>
<u>Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)</u>	R1, R2, R3, RP, and MHS
<u>Home business</u> ⁽²⁾	<u>AR, R1, R2, R3, RP, MHS, and DC</u>
<u>Home business (in an existing single family detached dwelling only)</u> ⁽²⁾	<u>AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, and UC</u>
<u>Home enterprise</u> ⁽²⁾	AR
<u>Home workshop</u> ⁽²⁾	AR
<u>Homeless/emergency shelter (accessory to a religious institution for up to eight (8) individuals)</u>	AR, R1, R2, R3, RP, <u>and</u> MHS, <u>C1, C2, NC, SC, C3, C4, DC, DE,</u>
<u>Homeless shelter (if adjacent to a residential district or accessory to a religious institution)</u>	<u>C1, C2, NC, SC, C3, and C4</u>
<u>Homeless shelter (accessory to a religious institution)</u>	<u>DC, DE, and UC</u>
Illuminated recreation field (if adjacent to a residential district)	BTI, I1, I2, and I3
Instruction/training/education (transitional use)	R1, R2, R3, RP, and MHS
Junk yard (outdoor)	I2
Live-work unit (transitional use)	R1, R2, R3, RP, and MHS
Manufactured home, Type II ⁽²⁾ <u>(see §157.503(D)(3)(e) for additional standards)</u>	<u>AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DE, and UC</u>
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, <u>DC, DE, MHS, R1, R2, R3, and RP, and MHS</u>
Model unit (for an extension of time or expansion of scope)	<u>DC, and DE</u>

FORT WAYNE ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Motor vehicle storage yard	I2
Museum	R1, R2, R3, RP ₇ and MHS
Nature preserve (-that includes a structure or parking area)	AR, R1, R2, R3, RP, MHS ₇ , DE ₇ and UC
Neighborhood facility	AR, R1, R2, R3, RP ₇ and MHS
Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use; this special use shall not be available for gas station uses)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2 ₇ and I3
Open use of land (not otherwise permitted)	I3
Outdoor use (in conjunction with a permitted primary building use)	C2 <u>and NC</u>
<u>Parking area (as a primary use), a special use shall not be required for a universally permitted off-site parking area</u>	<u>C1</u>
<u>Parking area (as a primary use, if adjacent to a residential district), a special use shall not be required for a universally permitted off-site parking area</u>	<u>C2, NC, SC, C3, C4, I1₇ and I2</u>
<u>Parking or outdoor display area, gravel (not otherwise permitted)</u>	<u>I2 and I3</u>
Parking structures (public or private)	<u>DC, DE₇ and UC</u>
Pawn shop	DC and DE
Personal service (transitional use, <u>excluding copy/duplicating service, health club/fitness center, or social service agency</u>)	R1, R2, R3, RP ₇ and MHS
Plant nursery (retail)	C2, NC ₇ and SC
Processing facility (including but not limited to animals, animal products, lumber, timber, raw materials processing <u>small scale</u>)	I2 <u>I1</u>
Professional office/business service (transitional use, <u>excluding bank, credit union, loan office, or savings and loan</u>)	R1, R2, R3, RP ₇ and MHS
Reception, meeting, or recreation hall; clubhouse	AR

SPECIAL USES	
Special Use	District(s) Where Allowed
<u>Recreation area</u>	<u>AR</u>
<u>Recreation area (including accessory recreation areas)</u>	<u>C2, NC, SC and UC</u>
<u>Recreation facility (not otherwise permitted)⁽⁴⁾</u>	<u>AR</u>
<u>Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)</u>	<u>R1, R2, R3, RP, MHS and C1</u>
<u>Recreation facility or use, outdoor (amusement park, go-cart facility, stadium/race track, and water park, only; if adjacent to a residential district) (not otherwise permitted)⁽⁴⁾</u>	<u>AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3₇ and C4₇ and UC</u>
<u>Recreation facility (if adjacent to a residential district)</u>	<u>C2, NC and SC</u>
Religious institution or <u>non-public</u> school illuminated athletic field(s)	<u>AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, DC, DE₇ and UC</u>
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 ₇ and I3
Residential facility for homeless individuals, <u>for up to eight (8) individuals</u>	AR, R1, R2, R3, <u>RP</u> , MHS, <u>C1, C2, NC, SC, C3, C4</u> , DC, DE ₇ <u>and UC, I1, I2₇ and I3</u>
<u>Residential facility for homeless individuals, for up to eight (8) individuals (if adjacent to a residential district)</u>	<u>C1, C2, NC, SC, C3, C4, I1, I2₇ and I3</u>

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SPECIAL USES	
Special Use	District(s) Where Allowed
Retail (art gallery, bakery goods, coffee shop, candy store, delicatessen, florist, ice cream store, jeweler jewelry sales, medical supply sales, musical instrument salesstore, sandwich shop, tea room) (limited)	C1
Riding stable, nonresidential	AR
Salvage yard (<u>outdoor</u>)	I2
<u>Sawmill</u>	<u>I2 and I3</u>
<u>Self-service storage (mini-warehouse facility), as a primary use</u>	<u>DC</u>
Sheet metal fabrication and/or processing	I1
Shooting range (indoor)	C2, and SC
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	AR, <u>R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2 and I3</u>
Single family dwelling (attached)	DE, UC
Single family dwelling (detached)	UC-DE
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 ⁽²⁾	I2
Sorority house	DE <u>and</u> , 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 dwelling s <u>uses</u>)	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) ⁽²¹⁾	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
Wind energy conversion system (standard) ⁽²¹⁾	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, <u>BTI</u> , I1, I2, and I3
Winery (micro)	H
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

Accessory Structure, Nonresidential

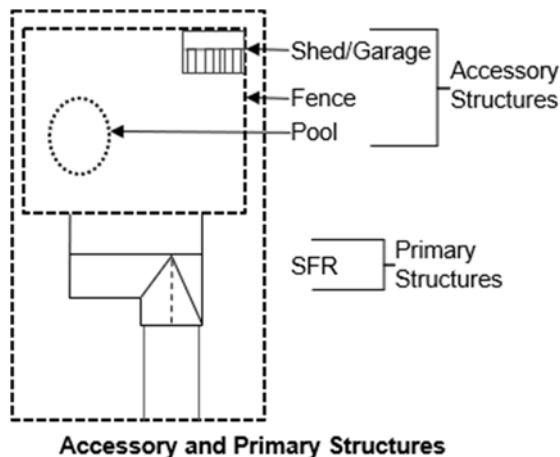
A **structure** or combination of **structures** that:

- (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 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**; and
- ~~(4)(5)~~ Is a permitted use in the applicable zoning district.

Addition

Any construction that involves an extension or increase in the square footage, size, or height of an existing **building or structure**.

Addition (to an existing Structure) (see Floodplain regulations - §157.412(B), Definitions)

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. A Code P-1 landscape standard shall

FORT WAYNE ZONING ORDINANCE

Board of Zoning Appeals (see “Board”)

Boarding House

A **residential building** containing rooms for accommodating, for compensation, three or more **persons**. Lodging may include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters, or individual bathrooms, but shall not include individual cooking facilities.

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.

Boundary River (see Floodplain regulations - §157.412(B), Definitions)

Boundary River Floodway (see Floodplain regulations - §157.412(B), Definitions)

Brewery

A facility that brews ales, beers, meads and/or similar beverages on-site.

Brewery (Micro)

An establishment where ale, beer, mead and/or similar beverages are brewed, typically in conjunction with a **bar**, **tavern** or **restaurant use**. Annual production will typically not exceed 15,000 barrels per year. A micro winery or similar use shall also be included under this definition.

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

For the purposes of the landscape standards, an area between a **building**, **structure**, or **use** and an **adjacent** property or **street right-of-way**. The area shall be available for berms/mounding, **fences**, plants, and/or **walls** to provide adequate screening and buffering between **buildings**, **structures**, **parking areas**, **driveways**, and activity areas and **adjacent uses**, **buildings**, **structures**, and **streets**, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water runoff and erosion; conserve or enhance property values; and improve the appearance of individual **developments**. A **buffer yard** may be located within a required front, side, or rear yard building setback.

Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport**, **deck**, **gazebo**, **open porch**, tent, and **recreational vehicle** shall not be considered **buildings**.

Building, Detached

A **building** having no structural connection with another **building**.

FORT WAYNE ZONING ORDINANCE

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 building, 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 the child care provider shall live on the property:

- (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.

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.

FORT WAYNE ZONING ORDINANCE

Church (see “Religious Institution”)

City

The City of Fort Wayne, Indiana.

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**.

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. Any use that meets the definition of “sexually oriented business” as defined in Chapter 121.02 of the Municipal Code of the City of Fort Wayne shall not be considered a **Private Club**.

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 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.

FORT WAYNE ZONING ORDINANCE

- (i) capacity for independent living; and
- (j) 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. Annual production will typically not exceed 10,000 barrels per year

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**.

Domestic Farm Animal

Calves, cattle, emus, goats, horses, llamas, ostriches, poultry (including chickens and quail), 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.

FORT WAYNE ZONING ORDINANCE

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.

Dry Hydrant (see Floodplain regulations - §157.412(B), Definitions)

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. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, 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.

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 ~~700~~950 square feet of **gross floor area**, not including attached **garage** space.

FORT WAYNE ZONING ORDINANCE

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.

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, non-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.

Elevation Certificate (see Floodplain regulations - §157.412(B), Definitions)

Emergency Response Facility

A **building** used for police, fire, and/or medical equipment and personnel.

Emergency Shelter (~~see “Homeless Shelter”~~)

A facility that provides temporary housing without charge for persons:

(1) Whose regular residence has become uninhabitable due to fire, flood, or Act of God, while that residence can be repaired or replaced, or until other permanent housing arrangements can be made, but not to exceed a period of six months, or

(2) Persons who have no regular residence that could be endangered during periods of weather and health events where lack of shelter would create a significant risk to their health.

Employment Agency

An agency that specializes in matching individuals' skill sets to particular jobs or finds jobs for unemployed individuals.

FORT WAYNE ZONING ORDINANCE

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 instruction/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 **automobile 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.

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**.

FORT WAYNE ZONING ORDINANCE

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 **automobile 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 supervised private facility that provides temporary living accommodations, and that may provide additional support services, for homeless individuals. A homeless shelter may be a primary or accessory use of a lot. 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; overnight patient stays shall be permitted as part of this use.

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. Overnight patient stays shall be permitted as part of this use.

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.

Hydrologic and Hydraulic Engineering Analysis (see Floodplain regulations - §157.412(B), Definitions)

Hydroponics

The cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil, or similar soilless growth of plants.

Imaginary Surface (FAA FAR Part 77.25) (see Airport Overlay District definitions)

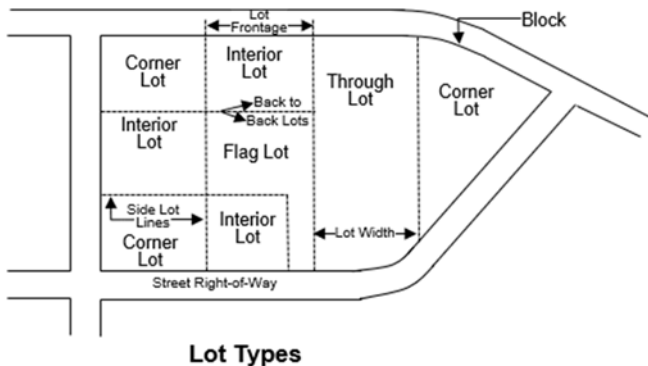
Improvement Location Permit (ILP)

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.

FORT WAYNE ZONING ORDINANCE

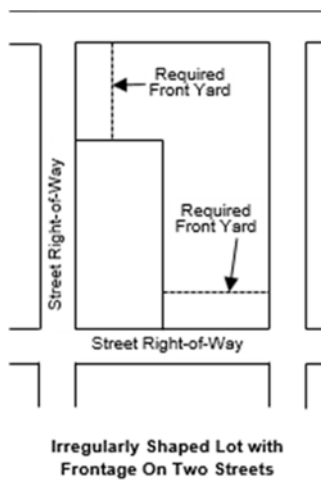
Lot

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**, or a lot that borders the corner lot that has frontage on the same two 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**;
- (3) Previously approved site and/or **Development Plans**, and
- (4) Conforming **building setbacks**.

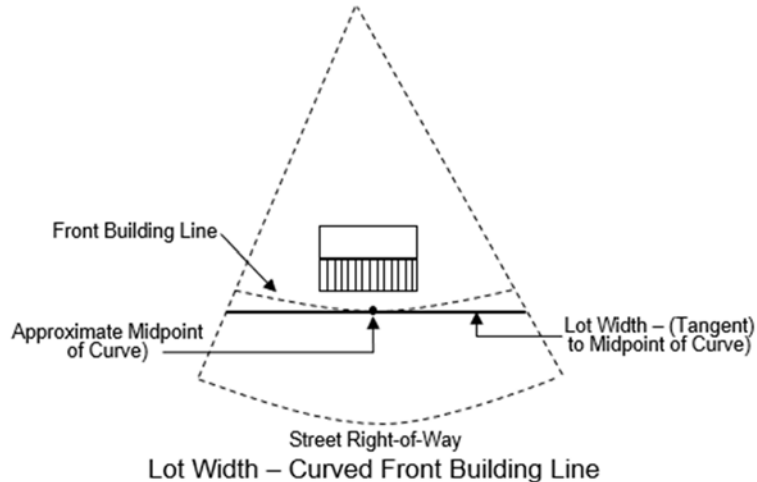
Lot, Front (Residential)

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

FORT WAYNE ZONING ORDINANCE

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**.



Lot Width, Minimum

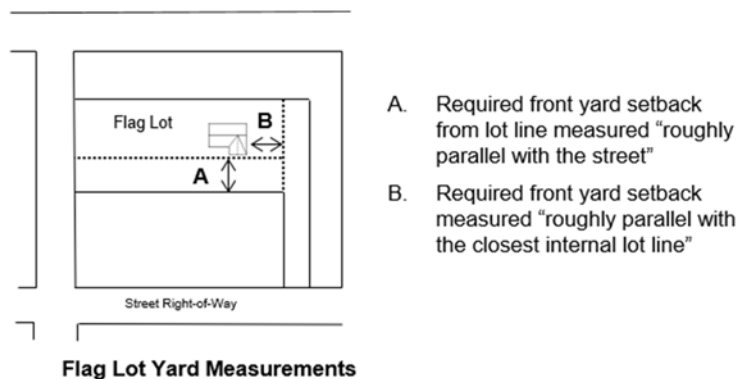
The least permissible width of a **lot** measured horizontally along either the **front building line** or the **front lot line**, as set forth in the applicable **development** standards table.

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**. Flag lots or lots that do not have frontage on a street shall have two (2) required front yards; one as measured roughly parallel with the street, and one as measured roughly parallel with the closest internal lot line as shown below. ~~For flag lots, the front lot line shall be the lot line which is roughly parallel with the street.~~ For other situations, the **Zoning Administrator** shall determine the **front lot line**.



FORT WAYNE ZONING ORDINANCE

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~~seven hundred (~~700950~~) 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 **dwelling**s 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**.

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 regulations - §157.412(B), 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.

FORT WAYNE ZONING ORDINANCE

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, 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 ~~and~~, 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.

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.

Mitigation (see Floodplain regulations - §157.412(B), Definitions)

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 **nonresidential uses**.

Mixed-Use Development

The practice of allowing more than one type of **use** in a **building** or set of **buildings**.

FORT WAYNE ZONING ORDINANCE

(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

Events connected to a **universally permitted use**, including but not limited to fairs, carnivals, or festivals.

Special Flood Hazard Area (SFHA) (see Floodplain regulations - §157.412(B), 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 ordinance prior to commencing the **use**.

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**.

Start of Construction (see Floodplain regulations - §157.412(B), Definitions)

Steeple

A conical, pyramidal, or similar **structure** on the top of a tower or roof of a **religious institution**.

Stem Wall Foundation, Backfilled (see Floodplain regulations - §157.412(B), Definitions)

Stoop

A small set of stairs ending in a platform leading to the entrance of a **building**.

Storage

The keeping of goods, materials, equipment or vehicles on a property.

FORT WAYNE ZONING ORDINANCE

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, awnings, billboards, buildings, canopies, carports** (including framed canvas or plastic covered **carports**), **decks, fences, gazebos**, loading docks, **manufactured homes, porches**, portable **storage** units, **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; tents or **recreational vehicles**; vegetation; or similar natural features and/or man-made construction.

Structure (see Floodplain regulations - §157.412(B), Definitions)

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, audio-visual, 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 §157.303(C)(4).

(2) Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §157.303(C)(3).

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** (however, for a single **family** subdivision, an increase of up to 5% of the number of **platted lots** shall be permitted); or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan. For the purposes of Board of Zoning Appeals reconsideration of a request, the term shall include a change in the use that was previously denied.

Substantial Damage (see Floodplain regulations - §157.412(B), Definitions)

Substantial Improvement (see Floodplain regulations - §157.412(B), 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

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Amendment to the Fort Wayne Zoning Ordinance
Case Number: ZORD-2022-0001
Bill Number: Z-22-06-01
Council District: All districts

Introduction Date: June 14, 2022

Plan Commission
Public Hearing Date: June 13, 2022

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157)

Location: Within the planning jurisdiction of Fort Wayne

Applicant: The Fort Wayne Plan Commission

Related Petitions: A similar amendment is being proposed to the Allen County Zoning Ordinance

Effect of Passage: This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment (1/1/2018).

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified with regard to the zoning ordinance.