

1 #ZORD-2025-0014

2 BILL NO. G-25-11-15

3 ORDINANCE NO. Z-_____

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

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

8 SECTION 1. That the current Chapter 157, Section 157.100 (General Provisions); Section
9 157.200 (Zoning Districts); Section 157.400 (Additional General Standards); Section 157.500
10 (Administration) are hereby amended as follows.

11 Amendment GP1 - § 157.115 (C)

12 A concern has been identified regarding FHAA, and how it relates to the application of these
13 regulations;

14 Language has been added to clarify that: "Reasonable accommodations or modifications to
15 this ordinance may be approved as necessary to comply with the federal Fair Housing
16 Amendments Act of 1988 or the Americans with Disabilities Act of 1991, pursuant to
17 §157.502(A)(2)(d)."

18 Amendment PU1 - § 157.203 through § 157.224

19 Issues have been identified with how Residential Facilities were defined and listed as either
20 Permitted or Special uses and actions have been identified in order to bring these sections
21 into compliance with the FHAA;

22 In order to bring the Zoning Ordinance into compliance with the FHAA and expand group
23 living options, the definition for Group residential facility, FHAA (small) has been updated,
24 and the permitted use provisions revised to ensure this use is permitted wherever a single
25 family dwelling is permitted. This use was added as a specific permitted use in the DC, DE
26 and UC districts. The special use provisions were revised to remove this as a special use
27 from the DC, DE and UC districts. The references to group residential facility, FHAA (small)
28 were updated throughout the ordinance.

29 Amendment SU1 - § 157.203 (C) through § 157.224

30 Issues have been identified with how Residential Facilities were defined and listed as either
Permitted or Special uses and actions have been identified in order to bring these sections
into compliance with the FHAA;

In order to bring the Zoning Ordinance into compliance with the FHAA and expand group
living options, the definition for Group Residential Facility, FHAA (Large) has been updated
and the permitted use provisions revised to ensure this use is permitted wherever a multiple
family dwelling is permitted. The special use provisions were revised to remove the
adjacency requirement from this use in the C1, C2, NC, SC, C3, C4, I1, I2 and I3 districts,
and the use is now permitted outright in those districts. The special use provisions were
revised to remove this as a special use from the AR, R1, R2, R3, RP, MHS, DC, DE and UC
districts. This use was added as a specific permitted use in the R3, RP, DC, DE and UC

districts. The references to Group Residential Facility, FHAA (Large) were updated throughout the ordinance.

Amendment SU2 § 157.203 (C) through § 157.224

Issues have been identified with the court ordered re-entry program use; The definition for Court Ordered Re-entry Program has been updated. This use was changed to Residential Re-entry Facility. The references to this use were updated throughout the ordinance.

Amendment PU2 - § 157.212 (B) through § 157.224

An issue has been identified regarding where outpatient clinics specializing in transient care, such as addiction type clinics should be permitted;

To make it clear where a use like this will be permitted, a definition for **Addiction Treatment Center** has been created, and the use has been added as a permitted use in the C1, C2, NC, SC, C3, C4, DC, DE UC, I1, I2 and I3 districts, to align with where Hospitals are currently permitted uses

Amendment PU3 - § 157.212 (B) through § 157.224

An issue has been identified regarding where large, in-bed substance abuse treatment facilities should be permitted;

To make it clear where a use like this will be permitted, a definition for a **Detoxification Facility** has been created, and the use has been added as a permitted use in the C1, C2, NC, SC, C3, C4, DC, DE UC, I1, I2 and I3 districts to align with where Hospitals are currently permitted uses.

Amendment PU4 - § 157.212 (B) through § 157.224

It is unclear where a rehabilitation facility use is permitted;

To make it clear where this use is permitted, a definition for **Rehabilitation Facility** has been created, and the use has been added as a permitted use in the C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2, and I3 districts, to align with where Hospitals are currently permitted uses.

Amendment PU5 - § 157.220 (B)

An issue has been identified regarding where treatment centers should be permitted; Treatment center was added as a specific permitted use to the UC district to align with where medical office uses are currently permitted.

Amendment PARK1 - § 157.407 (d)

It is unclear what the minimum off-street parking requirements are for the revised uses of: Detoxification Facility;

Group residential facility, FHAA (small); Addiction Treatment Center; and Treatment Center; The Minimum Off-Street Parking Requirements table has been updated to include a 1 per 400 square feet standard for **Detoxification Facility**; **Addiction Treatment Center**; and **Treatment Center** uses (to align with other hospital and medical office uses). A standard for **Group residential facility, FHAA (small)** was added for 1 per dwelling unit (to align with the single family dwelling standard).

Amendment AOD-SU1 § 157.411

Certain uses in the Airport Overlay District require approval of a special use from the Board of Zoning Appeals; is it unclear where these special uses are required after changes to the definitions and permitted uses for group residential facility, FHAA (large and small); Updated Table 3 – Airport Overlay District Special Uses table to make it clear that Group Residential Facility, FHAA (Large) requires a special use in Area 1 and Area 2, and that a group residential facility, FHAA (small) requires a special use in Area 1 only. The uses of residential facility for the developmentally disabled and residential facility for the mentally ill were deleted from the table.

Amendment PRO1 § 157.503 (D) (1)

Issues have been identified with how Residential Facilities were defined and listed as either Permitted or Special uses and actions have been identified in order to bring these sections into compliance with the FHAA; The special use table was revised to remove the group residential facility special uses and update the reference for residential re-entry facility.

Amendment DEF1 § 157.506 (B)

There is a concern regarding outpatient clinics specializing in transient care, such as addiction type clinics, and whether or not a community can address outdoor lines; Added a definition of Addiction Treatment Center which includes language to address outdoor lines: **Addiction Treatment Center**: An outpatient facility engaged in dispensing medications approved by the federal government, including but not limited to Methadone (dolphine), for the purpose of elimination or reduction of addiction to opiates or other substances illegal under federal or Indiana law. This use includes medication-assisted treatment centers, which also provide counseling, behavioral therapies, and/or peer support in addition to federally approved medications for purposes of eliminating or reducing such addiction. This use shall include an indoor waiting and departure area and restroom facilities sufficient to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Overnight patient stays shall not be permitted as a part of this use.

Amendment DEF2 § 157.506 (B)

An issue has been identified regarding what services are permitted with the current definition; Updated the definition of **Assisted Living Facility** as follows: A residential establishment or institution that provides living accommodations and assistance with daily living activities, and that may also provide limited medical assistance not requiring the services of a hospital or nursing home. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Amendment DEF3 § 157.506 (B)

There is confusion regarding the definition of Nonresidential Building; Added language to clarify that the use does not include: "group residential facility, FHAA (large or small)."

Amendment DEF4 § 157.506 (B)

There is confusion regarding the definition of Residential Building; Added language to clarify that the use includes: "group residential facility, FHAA (large or small)."

Amendment DEF5 § 157.506 (B)

The definition for a Residential Re-entry Facility has been updated to clarify the use. The references to the previous term have been updated throughout the ordinance; The reference to residential re-entry facility was updated.

Amendment DEF6 § 157.506 (B)

An issue has been identified regarding where large, in-bed substance abuse treatment facilities should be permitted; Added a definition for: **Detoxification Facility:** An inpatient medical care facility where individuals suffering from substance abuse receive round-the-clock or daily medical care and oversight from licensed physicians and nurses, and from which they may be released to their residence or referred to a Group Residential Facility, FHAA (Large or Small), for continued residential treatment for substance abuse. Overnight patient stays shall be permitted as a part of this use but shall not exceed 45 days.

Amendment DEF7 § 157.506 (B)

There is confusion regarding the use of Group Residential Facility, FHAA (Large) and the definition of Multiple Family Dwelling; Updated the definition of Multiple Family Dwelling to clarify that the use is different from a Group Residential Facility, FHAA (Large), and added language to clarify that the definition includes "more than eight (8) unrelated individuals sharing a single housekeeping unit".

Amendment DEF8 § 157.506 (B)

A concern has been identified regarding FHAA, and how it relates to the application of these regulations; Added a definition for: **Fair Housing Amendments Act of 1988 (FHAA):** The Fair Housing Amendments Act of 1988 (FHAA), as amended and as interpreted by the courts, which prohibits discrimination on the basis of race, color, national origin, religion, sex, family status, or disability in housing sales, rentals, or financing. These categories are considered protected classes by the FHAA.

Amendment DEF9 § 157.506 (B)

There is confusion regarding the definition of Family; The definition of Family has been updated to change "persons" to "individuals" and to add "guardianship" to the description of related individuals.

Amendment DEF10 § 157.506 (B)

Issues have been identified with how Residential Facilities were defined and listed as either Permitted or Special uses and actions have been identified in order to bring these sections into compliance with the FHAA. Issues have been identified with how Residential Facilities were defined and listed as either Permitted or Special uses and actions have been identified in order to bring these sections into compliance with the FHAA; The definition for Group Residential Facility (Large) has been removed and replaced:

Group Residential Facility, FHAA (Large):

A residential facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

(1) a residential facility for individuals who are developmentally disabled or mentally ill, or

(2) other residential facility if the facility houses more than eight (8) individuals who are members of a protected class under the federal Fair Housing Amendments Act. This definition shall not include a facility that serves:
(1) homeless individuals or (2) individuals participating in a residential re-entry facility for purposes other than treatment for drug or alcohol abuse.

Amendment DEF11 § 157.506 (B)

Issues have been identified with how Residential Facilities were defined and listed as either Permitted or Special uses and actions have been identified in order to bring these sections into compliance with the FHAA; The definition for Group Residential Facility (Small) has been removed and replaced: **Group Residential Facility (Small)**: A residential facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include: (1) a residential facility for individuals who are developmentally disabled or mentally ill or other residential facility that house houses up to eight (8) individuals who are members of a protected class under the federal Fair Housing Amendments Act. This definition shall not include a facility that serves: (1) homeless individuals or (2) individuals participating in a residential re-entry facility for purposes other than treatment for drug or alcohol abuse.

Amendment DEF12 § 157.506 (B)

Issues have been identified with how group residential and certain nonresidential medical facilities are permitted; The definition of Mental Illness was updated: **Mental Illness**: A psychiatric disorder or other disability that: (1) Substantially disturbs an individual's thinking, feeling, or behavior; or (2) Impairs the individual's ability to function; or (3) Is considered a disability by Indiana Code, the federal Fair Housing Amendment Act of 1988 (FHAA), or the Americans with Disabilities Act of 1991, or with federal regulations promulgated pursuant to those Acts, as any of those codes or acts or their regulations have interpreted by the courts; or (4) Addiction to narcotics, stimulants, cannabis, alcohol, and other substances.

Amendment DEF13 § 157.506 (B)

Issues have been identified with how group residential and certain nonresidential medical facilities are permitted; The definition of Mentally Ill Individual was updated: **Mentally Ill Individual**: An individual with mental illness.

Amendment DEF14 § 157.506 (B)

There is confusion regarding the use of the term "rehabilitation"; Revised the definition of "nursing home", delete ", health and rehabilitation center".

Amendment DEF15 § 157.506 (B)

The current definition of Protected Class needs to be updated; Added the word "Amendments" to align the definition of Protected Class with the definition for FHAA.

Amendment DEF16 § 157.506 (B)

1 The current definition of Protected Class needs to be updated. Added the word
2 "Amendments" to align the definition of Protected Class with the definition for FHAA.
3 A concern has been identified regarding the FHAA, and how it relates to the application of
4 these regulations; To clarify, a new definition has been added for: Reasonable
5 Accommodation or Modification: A request that the City provide "reasonable
6 accommodation" or "reasonable modifications" to the provisions of this Zoning Code
7 pursuant to the federal Fair Housing Amendments Act of 1988 or the Americans with
8 Disabilities Act of 1991.

9
10 Amendment DEF17 § 157.506 (B)

11 An issue has been identified with how a rehabilitation facility is defined; A definition for
12 Rehabilitation Facility has been added: **Rehabilitation Facility:** An inpatient facility that
13 provides skilled nursing care and intensive rehabilitative services, as well as round-the-clock
14 medical care or oversight, for individuals who have been released from a hospital or medical
15 facility after treatment for an injury, surgery, or medical procedure to allow continued
16 recovery at lower cost than a hospital before returning to their residence. Overnight patient
17 stays shall be permitted as part of this use. This definition shall not include detoxification
18 facility.

19 Amendment DEF18 § 157.506 (B)

20 There is a concern regarding the possible location of rehabilitation type programs for the
21 treatment of drug or alcohol abuse, or addiction), and if there is a difference between court-
22 ordered rehabilitation and non-court ordered rehabilitation; The term **Residential Facility for**
23 **a Court ordered Re-entry Program** has been updated to **Residential Re-entry Facility**
24 and the definition has been updated to clarify the use. The references to the previous term
25 have been updated throughout the ordinance: **Residential Re-entry Facility:** A facility
26 providing housing for individuals under a program authorized by a local, State, or Federal
27 ordinance, code or statute for persons who previously resided in a correctional or other
28 similar institutional setting for re-entry into a non-institutional housing setting. This use shall
29 include overnight stays but shall not be considered a correctional services facility or a
30 correctional institution. A facility providing housing for individuals under a program
authorized by a local, State, or Federal ordinance, code or statute for treatment of drug or
alcohol abuse or addiction shall be considered a group residential facility, FHAA (large or
small).

Amendment DEF19 § 157.506 (B)

An issue has been identified with how Residential Facilities were defined and listed as either
Permitted or Special uses within each zoning district and identified actions needed in order
to bring these sections into compliance with the FHAA; The following definitions have been
deleted, to reduce confusion and overlap with other permitted uses:
Residential Facility for Developmentally Disabled Individuals, Residential Facility for Mentally
Ill Individuals, and Residential Facility (Other)

Amendment DEF20 § 157.506 (B)

1 There is a concern regarding rehabilitation type programs for the treatment of drug or alcohol
2 abuse, or addiction), and if there is a difference between court-ordered rehabilitation and
3 non-court ordered rehabilitation; The definition of Treatment Center has been updated to
4 clarify how this use will be permitted: **Treatment Center**An outpatient facility for the
5 treatment, therapy, or counseling of individuals for mental illness or drug addiction.
6 Overnight patient stays shall not be permitted as part of this use. This definition shall not
7 include addiction treatment center.

8
9 Amendment DEF21 § 157.506 (B)

10 Issues have been identified with how Residential Facilities were defined and listed as either
11 Permitted or Special uses and actions have been identified in order to bring these sections
12 into compliance with the FHAA; The definition of Single-Family Use has been updated to
13 clarify that: "Except for group residential facility, FHAA (small), services shall not be provided
14 to residents."

15 SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in
16 full force and effect starting on March 7, 2026.

17 _____
18 Council Member

19 APPROVED AS TO FORM AND LEGALITY:

20 _____
21 Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Ordinance Amendment
Case Number: ZORD-2025-0014
Bill Number: G-25-11-15
Council District: All

Introduction Date: November 25, 2025

Plan Commission
Public Hearing Date: December 8, 2025 (not heard by Council)

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: N/A

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

- 1) Update language and bring the Zoning Ordinance into compliance with the Fair Housing Amendments Act; and
- 2) Update language to align re-entry facility and treatment center uses appropriately.

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

Memo

To: Fort Wayne Plan Commission

From: Ben Roussel, Executive Director, Department of Planning Services

Date: 9/4/2025

Subject: 2025 Substantial Amendment A Initiation

The Department of Planning Services is requesting the Fort Wayne Plan Commission to initiate the 2025 Substantial Amendment A for the Fort Wayne Zoning Ordinance. Staff is asking that the Plan Commission formally initiate this amendment during the September 2025 Business Meeting. The intended effective date for this amendment would be in March 2026.

This amendment has been developed by DPS Staff, an independent consultant, and Plan Commission legal counsel. This amendment proposes to update language & bring the Zoning Ordinance into compliance with the Fair Housing Amendments Act. This amendment proposes to update language & align re-entry facility and treatment center uses appropriately.

If you have any follow up questions or comments, please feel free to reach out to me directly at benroussel@allencounty.us. Thank you for your consideration.

FORT WAYNE ZONING ORDINANCE

§ 157.111 INTERPRETATION

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

§ 157.112 MINIMUM REQUIREMENTS

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

§ 157.113 OVERLAY DISTRICTS

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

§ 157.114 RELATION TO PLANS

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

§ 157.115 RELATION TO OTHER LAWS AND REGULATIONS

- (A) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.
- ~~(B)~~ This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.
- ~~(B)(C)~~ Reasonable accommodations or modifications to this ordinance may be approved as necessary to comply with the federal Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act of 1991, pursuant to §157.502(A)(2)(d).

FORT WAYNE ZONING ORDINANCE

§ 157.203 AR LOW INTENSITY RESIDENTIAL

(A) Purpose

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

(B) Permitted Uses

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

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

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Accessory building** conversion to a **single family dwelling**;
- (2) **Accessory building**, as a **primary building**, on a site of at least five (5) acres;
- (3) **Airstrip/heliport** (corporate or multiple **owner use**);
- (4) **Bed and breakfast**;
- (5) **Boarding house**;
- (6) **Class II child care home**;
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);
- (11) **Funeral home**;
- ~~(12) **Group residential facility (large)**;~~
- ~~(13)~~(12) **Home business** (see §157.503(D)(3)(b) for additional standards);
- ~~(14)~~(13) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);
- ~~(15)~~(14) **Home workshop** (see §157.503(D)(3)(d) for additional standards);
- ~~(16)~~(15) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- ~~(17)~~(16) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(18)~~(17) **Model home** (for an extension of time or expansion of scope);
- ~~(19)~~(18) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(20)~~(19) **Neighborhood facility**;
- ~~(21)~~(20) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(22)~~(21) Reception, meeting, or **recreation** hall; **clubhouse**;
- ~~(23)~~(22) **Recreation area**;
- ~~(24)~~(23) **Recreation facility**;
- ~~(25)~~(24) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(26)~~(25) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(27)~~(26) **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(28)~~(27) **Riding stable, nonresidential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five (5) acres);
- ~~(29)~~(28) **Sign** (temporary **subdivision** direction);
- ~~(30)~~(29) **Solar panel (ground-mounted)**;
- ~~(31)~~(30) **Two family dwelling** (to allow conforming status for existing nonconforming **uses**);

FORT WAYNE ZONING ORDINANCE

§ 157.206 R1 SINGLE FAMILY RESIDENTIAL

(A) Purpose

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

(B) Permitted Uses

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

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

(C) Special Uses

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

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated facilities, uses, and areas** (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- ~~(14) Group residential facility (large);~~
- ~~(15)(14)~~ **Heliport** (private individual or accessory to permitted **nonresidential use**, excluding **hospital uses**);
- ~~(16)(15)~~ **Home business** (see §157.503(D)(3)(b) for additional standards);
- ~~(17)(16)~~ **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);

FORT WAYNE ZONING ORDINANCE

- ~~(18)~~~~(17)~~ **Instruction/training/education (transitional use);**
- ~~(19)~~~~(18)~~ **Live-work unit (transitional use);**
- ~~(20)~~~~(19)~~ **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(21)~~~~(20)~~ **Medical office (transitional use);**
- ~~(22)~~~~(21)~~ **Model home** (for an extension of time or expansion of scope);
- ~~(23)~~~~(22)~~ **Museum;**
- ~~(24)~~~~(23)~~ **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(25)~~~~(24)~~ **Neighborhood facility;**
- ~~(26)~~~~(25)~~ **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(27)~~~~(26)~~ **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(28)~~~~(27)~~ **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(29)~~~~(28)~~ **Recreation use, outdoor** (athletic field, riding stable, swim club, tennis club);
- ~~(30)~~~~(29)~~ **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(31)~~~~(30)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(32)~~~~(31)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals; the facility shall be located a minimum of 3,000 feet from a small **group residential facility**, a large **group residential facility**, a **court-ordered re-entry program residential facility**, or another **residential facility for homeless individuals**, as measured from the closest property lines of the facilities);
- ~~(33)~~~~(32)~~ **Sign** (temporary **subdivision** direction);
- ~~(34)~~~~(33)~~ **Solar panel (ground mounted)**;
- ~~(35)~~~~(34)~~ **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- ~~(36)~~~~(35)~~ **Studio (transitional use)**;
- ~~(37)~~~~(36)~~ **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
- ~~(38)~~~~(37)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(39)~~~~(38)~~ **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land**); and
- ~~(40)~~~~(39)~~ **Wind energy conversion system, standard** (for **fire/police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).

FORT WAYNE ZONING ORDINANCE

§ 157.207 R2 TWO FAMILY RESIDENTIAL

(A) Purpose

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

(B) Permitted Uses

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

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

(C) Special Uses

The following uses may be approved by the Board of Zoning Appeals after the filing of a special use petition:

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

FORT WAYNE ZONING ORDINANCE

- ~~(16)~~(15) **Home business** (see §157.503(D)(3)(b) for additional standards);
- ~~(17)~~(16) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- ~~(18)~~(17) **Instruction/training/education (transitional use)**;
- ~~(19)~~(18) **Live-work unit (transitional use)**;
- ~~(20)~~(19) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(21)~~(20) **Medical office (transitional use)**;
- ~~(22)~~(21) **Model home** (for an extension of time or expansion of scope);
- ~~(23)~~(22) **Museum**;
- ~~(24)~~(23) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(25)~~(24) **Neighborhood facility**;
- ~~(26)~~(25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(27)~~(26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(28)~~(27) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(29)~~(28) **Recreation use, outdoor** (**athletic field**, **riding stable**, swim **club**, tennis **club**);
- ~~(30)~~(29) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(31)~~(30) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(32)~~(31) **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(33)~~(32) **Sign** (temporary **subdivision** direction);
- ~~(34)~~(33) **Solar panel (ground mounted)**;
- ~~(35)~~(34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- ~~(36)~~(35) **Studio (transitional use)**;
- ~~(37)~~(36) **Utility facility, private** (not otherwise permitted or exempt);
- ~~(38)~~(37) **Wind energy conversion system, micro** (for single **family** detached **dwellings** on **unplatted land** only); and
- ~~(39)~~(38) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).

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.

(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, FHAA (large)**;
- ~~(5)~~~~(6)~~ **Group residential facility, FHAA (small)**;
- ~~(6)~~~~(7)~~ **Model home** (permitted for up to two (2) years);
- ~~(7)~~~~(8)~~ **Multiple family complex**;
- ~~(8)~~~~(9)~~ **Multiple family dwelling**;
- ~~(9)~~~~(10)~~ **Off-site campus housing**;
- ~~(10)~~~~(11)~~ **Retirement facility**;
- ~~(11)~~~~(12)~~ **Single family dwelling (attached)**;
- ~~(12)~~~~(13)~~ **Single family dwelling (detached)** (including multiple **primary structures**);
- ~~(13)~~~~(14)~~ **Two family dwelling**; and
- ~~(14)~~~~(15)~~ **Universally permitted use**.

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- ~~(14) Group residential facility (large);~~
- ~~(15)~~(14) **Heliport** (private individual or accessory to permitted **nonresidential use**, excluding hospital uses);
- ~~(16)~~(15) **Home business** (see §157.503(D)(3)(b) for additional standards);
- ~~(17)~~(16) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- ~~(18)~~(17) **Instruction/training/education (transitional use)**;
- ~~(19)~~(18) **Live-work unit (transitional use)**;
- ~~(20)~~(19) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(21)~~(20) **Medical office (transitional use)**;
- ~~(22)~~(21) **Model home** (for extension of time or expansion of scope);
- ~~(23)~~(22) **Museum**;
- ~~(24)~~(23) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(25)~~(24) **Neighborhood facility**;
- ~~(26)~~(25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(27)~~(26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(28)~~(27) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(29)~~(28) **Recreation use, outdoor** (athletic field, **riding stable**, swim **club**, tennis **club**);

FORT WAYNE ZONING ORDINANCE

- ~~(30)~~~~(29)~~ **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(31)~~~~(30)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(32)~~~~(31)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(33)~~~~(32)~~ **Sign** (temporary **subdivision** direction);
- ~~(34)~~~~(33)~~ **Solar panel (ground mounted)**;
- ~~(35)~~~~(34)~~ **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- ~~(36)~~~~(35)~~ **Studio (transitional use)**;
- ~~(37)~~~~(36)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(38)~~~~(37)~~ **Wind energy conversion system, micro** (for single **family detached dwellings** on **unplatted land** only); and
- ~~(39)~~~~(38)~~ **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).

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.

(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, FHAA (large)**;
- (4)(5) **Group residential facility, FHAA (small)**;
- (5)(6) **Fraternity or sorority house**;
- (6)(7) **Model home** (permitted for up to two (2) years);
- (7)(8) **Multiple family complex**;
- (8)(9) **Multiple family dwelling**;
- (9)(10) **Off-site campus housing**;
- (10)(11) **Retirement facility**;
- (11)(12) **Single family dwelling (attached)**;
- (12)(13) **Single family dwelling (detached)**;
- (13)(14) **Two family dwelling**; and
- (14)(15) **Universally permitted use**.

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- ~~(14) Group residential facility (large);~~
- ~~(15)~~(14) **Heliport** (private individual or accessory to permitted **nonresidential use**, excluding hospital uses);
- ~~(16)~~(15) **Home business** (see §157.203(D)(3)(b) for additional standards);
- ~~(17)~~(16) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- ~~(18)~~(17) **Instruction/training/education (transitional use)**;
- ~~(19)~~(18) **Live-work unit (transitional use)**;
- ~~(20)~~(19) **Manufactured home, Type II** (see §157.203(D)(3)(e) for additional standards);
- ~~(21)~~(20) **Medical office (transitional use)**;
- ~~(22)~~(21) **Model home** (for extension of time or expansion of scope);
- ~~(23)~~(22) **Museum**;
- ~~(24)~~(23) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(25)~~(24) **Neighborhood facility**;
- ~~(26)~~(25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(27)~~(26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(28)~~(27) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(29)~~(28) **Recreation use, outdoor** (athletic field, riding stable, swim **club**, tennis **club**);

FORT WAYNE ZONING ORDINANCE

- ~~(30)~~~~(29)~~ **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(31)~~~~(30)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(32)~~~~(31)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(33)~~~~(32)~~ **Sign** (temporary **subdivision** direction);
- ~~(34)~~~~(33)~~ **Solar panel (ground mounted)**;
- ~~(35)~~~~(34)~~ **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility (if not previously approved as part of the **subdivision**);
- ~~(36)~~~~(35)~~ **Studio (transitional use)**;
- ~~(37)~~~~(36)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(38)~~~~(37)~~ **Wind energy conversion system, micro** (for single **family** detached **dwellings** on **unplatted land** only); and
- ~~(39)~~~~(38)~~ **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).

FORT WAYNE ZONING ORDINANCE

§ 157.210 MHS MANUFACTURED HOME SUBDIVISION

(A) Purpose

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

(B) Permitted Uses

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

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

(C) Special Uses

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

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

FORT WAYNE ZONING ORDINANCE

- ~~(17)~~~~(16)~~ **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- ~~(18)~~~~(17)~~ **Instruction/training/education (transitional use)**;
- ~~(19)~~~~(18)~~ **Live-work unit (transitional use)**;
- ~~(20)~~~~(19)~~ **Medical office (transitional use)**;
- ~~(21)~~~~(20)~~ **Model home** (for extension of time or expansion of scope);
- ~~(22)~~~~(21)~~ **Museum**;
- ~~(23)~~~~(22)~~ **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(24)~~~~(23)~~ **Neighborhood facility**;
- ~~(25)~~~~(24)~~ **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(26)~~~~(25)~~ **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(27)~~~~(26)~~ **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(28)~~~~(27)~~ **Recreation use, outdoor** (**athletic field**, **riding stable**, swim **club**, tennis **club**);
- ~~(29)~~~~(28)~~ **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(30)~~~~(29)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(31)~~~~(30)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(32)~~~~(31)~~ **Sign** (temporary **subdivision** direction)
- ~~(33)~~~~(32)~~ **Solar panel (ground mounted)**;
- ~~(34)~~~~(33)~~ **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- ~~(35)~~~~(34)~~ **Studio (transitional use)**;
- ~~(36)~~~~(35)~~ **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
- ~~(37)~~~~(36)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(38)~~~~(37)~~ **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land** only); and
- ~~(39)~~~~(38)~~ **Wind energy conversion system, standard** (for **fire/police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).

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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Community garden
Accountant	Computer training
Addiction Treatment Center	Consulting service
Adoption service	Copy service
Adult care center	Correctional services facility
Advertising	Counseling service
Alteration service	Craft instruction
Answering service	Craft studio
Appraiser	Credit service
Architect	Credit union
Art instruction	Customer service facility
Art studio	Dance instruction
Assisted living facility	Data processing facility
Attorney	Data storage facility
Auction service	Day care
Audiologist	Day spa
Audio-visual studio	Dentist
Bank	Detoxification facility
Bankruptcy service	Diagnostic center
Barber shop	Dialysis center
Barber/beauty school	Doctor
Beauty shop	Dormitory
Bed and breakfast	Driving instruction
Blood bank	Educational institution
Blood or plasma donor facility	Embroidery
Boarding house	Employment agency
Bookkeeping service	Engineer
Broadcast studio	Finance agency
Broker	Financial planning service
Business training	Fitness center
Campus housing (off-site)	Foundation office
Child care center	Fraternity house
Child care home (class I or II)	Funeral home
Chiropractor	Graphic design service
Clinic	Group residential facility, FHAA (large) ⁽⁺⁾
Clothing alterations	Group residential facility, FHAA (small)
Collection agency	Gymnastics instruction

FORT WAYNE ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Health club	Planetarium
Homeless shelter ⁽¹⁾	Planner
Hospice care center	Podiatrist
Hospital	Public transportation facility
Insurance agency	Radio station
Interior design service	Real estate
Internet service	Recording studio
Investment service	Rehabilitation facility
Laboratory	Residential dwelling unit ⁽³⁾
Land surveyor	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Legal service	Retirement facility
Live-work unit	Savings and loan
Loan office	Sculpture studio
Marketing agency	Security service
Martial arts training	Sleep disorder facility
Massage therapy	Social service agency
Medical training	Sorority house
Model unit	Stained glass studio
Mortgage service	Stock and bond broker
Multiple family complex ⁽⁴⁾	Surgery center
Multiple family dwelling ⁽⁴⁾	Tailor
Museum	Tanning salon
Music instruction	Tax consulting
Music studio	Television station
Nail salon	Title company
Neighborhood facility	Townhouse complex ⁽⁴⁾
Nursing home	Travel agency
Nutrition service	Treatment center
Ophthalmologist	Tutoring service
Optician	Universally permitted use ⁽²⁾
Optometrist	Veterinary clinic (indoor)
Painting studio	Website service
Parking area (off-site) ⁽²⁾	Wedding consultant
Photography studio	Weight loss service
Photography training	Wind energy conversion system (micro) ⁽¹⁾
Physical therapy facility	Yoga instruction
Pilates instruction	Zoo
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) See multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1))	

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Animal service**, indoor;
- (2) **Automatic teller machine (ATM)** (stand-alone);
- (3) **Club, private**;
- (4) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (5) **Community garden** that includes a **structure**;
- (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- ~~(7) **Group residential facility (large)** (if adjacent to a residential district);~~
- ~~(8)(7) **Home business** (in an existing single family detached dwelling only; see §157.503(D)(3)(b) for additional standards);~~
- ~~(9)(8) **Homeless shelter** (if adjacent to a residential district, or accessory to a religious institution);~~
- ~~(10)(9) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);~~
- ~~(11)(10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);~~
- ~~(12)(11) **Parking area** (as a **primary use**, a **special use** shall not be required for a universally permitted **off-site parking area**;~~
- ~~(13)(12) **Recreation use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);~~
- ~~(14)(13) **Religious institution** or non-public school illuminated **athletic field(s)**;~~
- ~~(15)(14) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;~~
- ~~(16)(15) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);~~
- ~~(17)(16) **Retail: art gallery, bakery goods, coffee shop, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich shop, tea room** (this **special use** shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2,500 square feet; **drive-through facilities** shall not be permitted as part of this **special use**);~~
- ~~(18)(17) **Sign** (temporary **subdivision** direction);~~
- ~~(19)(18) **Solar panel (ground mounted)**;~~
- ~~(20)(19) **Tattoo establishment**;~~
- ~~(21)(20) **Utility facility, private** (not otherwise permitted or exempt);~~
- ~~(22)(21) **Wind energy conversion system, standard** (or more than one (1) micro system); and~~
- ~~(23)(22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).~~

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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Automobile sales (indoor)
Accountant	Bait sales
Addiction Treatment Center	Bakery goods
Adoption service	Bank
Adult care center	Bankruptcy service
Advertising	Banquet hall
Air conditioning sales	Bar
Alteration service	Barber shop
Animal grooming (indoor)	Barber/beauty school
Animal hospital (indoor)	Beauty shop
Animal kennel (indoor)	Bed and breakfast
Animal obedience school (indoor)	Bicycle sales and repair shop
Answering service	Billiard or pool hall
Antique shop	Bingo establishment
Apparel and accessory store	Blood bank
Appliance store	Blood or plasma donor facility
Appraiser	Boarding house
Arcade	Book store
Architect	Bookkeeping service
Art gallery	Bowling alley
Art instruction	Brewery (micro)
Art studio	Broadcast studio
Art supply store	Broker
Assisted living facility	Business training
Attorney	Campus housing (off-site)
Auction service	Candy store
Audiologist	Catalog showroom
Audio-visual studio	Caterer
Automatic teller machine	Child care center
Automobile accessory store (indoor)	Child care home (class I or II)
Automobile rental (indoor)	Chiropractor

FORT WAYNE ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Clinic	Drug store
Clock sales	Dry cleaning store
Clothing alterations	Educational institution
Clothing rental	Embroidery
Clothing store	Employment agency
Club, private	Engineer
Coffee shop	Entertainment facility (indoor)
Coin shop	Fabric shop
Collection agency	Farmers market (including outdoor sales)
Community garden (including outdoor)	Finance agency
Computer sales and service	Financial planning service
Computer software store	Fireworks sales (indoor)
Computer training	Fitness center
Consignment shop	Flea market (indoor)
Consulting service	Floor covering store
Consumer electronics sales	Florist
Consumer electronics service	Foundation office
Convenience store	Fraternity house
Copy service	Fruit/vegetable store (indoor)
Correctional services facility	Funeral home
Cosmetic store	Furniture store
Costume rental	Furrier
Counseling service	Game rental
Craft instruction	Game sales
Craft studio	Gift shop
Craft supply store	Glass cutting/glazing shop
Credit service	Graphic design service
Credit union	Grocery store or supermarket
Customer service facility	Group residential facility, FHAA (large) ⁽⁺⁾
Dance instruction	Group residential facility, FHAA (small)
Data processing facility	Gymnastics instruction
Data storage facility	Hardware store
Day care	Haunted house
Day spa	Health club
Delicatessen	Heating sales
Dentist	Hobby shop
Department store	Home improvement business
Detoxification facility	Home repair
Diagnostic center	Homeless shelter ⁽¹⁾
Dialysis center	Hospice care center
Diaper service facility	Hospital
Dinner theater	Hot tub sales
Distillery (micro)	Hotel
Doctor	Household appliance store
Dormitory	Ice cream store
Driving instruction	Insurance agency

FORT WAYNE ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Interior decorating store	Photography studio
Interior design service	Photography supply store
Internet service	Photography training
Investment service	Physical therapy facility
Jewelry sales	Picture framing facility
Laboratory	Pilates instruction
Land surveyor	Planetarium
Laundromat	Planner
Leather goods store	Podiatrist
Legal service	Pottery sales
Live-work unit	Public transportation facility
Loan office	Radio station
Luggage store	Real estate
Marketing agency	Reception hall
Martial arts training	Recording studio
Massage therapy	Recreation facility ⁽¹⁾
Meat/fish market	Rehabilitation facility
Medical supply sales	Rental store
Medical training	Residential dwelling unit ⁽³⁾
Model unit	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Mortgage service	Restaurant, including drive-through
Motel	Retirement facility
Movie rental	Sandwich shop
Movie sales	Savings and loan
Multiple family complex ⁽⁴⁾	Sculpture studio
Multiple family dwelling ⁽⁴⁾	Security service
Museum	Shoe repair shop
Music instruction	Shoe store
Music store	Sign sales store
Music studio	Skating rink
Musical instrument store	Sleep disorder facility
Nail salon	Social service agency
Neighborhood facility	Sorority house
Nursing home	Sporting goods sales
Nutrition service	Stained glass studio
Ophthalmologist	Stationery store
Optician	Stock and bond broker
Optometrist	Surgery center
Package liquor store	Swim club
Paint store	Swimming pool sales
Painting studio	Tailor
Parking area ⁽¹⁾	Tanning salon
Parking area (off-site) ⁽²⁾	Tattoo establishment
Parking structure	Tavern
Pet store	Tax consulting
Pharmacy	Taxi service

FORT WAYNE ZONING ORDINANCE

(D) Special Uses

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

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

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**);

- (5) **Greenhouse** (retail);
- ~~(6) Group residential facility (large) (if adjacent to a residential district);~~
- ~~(7)(6) Home business~~ (in an existing **single family detached dwelling** only; see §157.503(D)(3)(b) for additional standards);
- ~~(8)(7) Homeless shelter~~ (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- ~~(9)(8) Manufactured home, Type II~~ (see §157.503(D)(3)(e) for additional standards);
- ~~(10)(9) Nonconforming use~~ (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(11)(10) Outdoor use~~ (in conjunction with a permitted **primary use**);
- ~~(12)(11) 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**);
- ~~(13)(12) Plant nursery;~~
- ~~(14)(13) Recreation area~~ (including accessory **recreation areas**);
- ~~(15)(14) Recreation facility~~ (if **adjacent** to a **residential district**);
- ~~(16)(15) Religious institution~~ or non-public **school** illuminated **athletic field(s)**;
- ~~(17)(16) Residential re-entry facility for a court-ordered re-entry program;~~
- ~~(18)(17) Residential facility for homeless individuals~~ (for up to eight (8) individuals, if **adjacent** to a **residential district**);
- ~~(19)(18) Shooting range~~ (indoor);
- ~~(20)(19) Sign~~ (temporary **subdivision** direction);
- ~~(21)(20) Solar panel~~ (ground mounted);
- ~~(22)(21) Utility facility, private~~ (not otherwise permitted or exempt);
- ~~(23)(22) Wind energy conversion system, standard~~ (or more than one (1) micro system); and
- ~~(24)(23) Wind energy conversion system, micro~~ (on land **adjacent** to a **residential district**).

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

FORT WAYNE ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Broadcast studio	Dinner theater
Broker	Distillery (micro)
Business training	Doctor
Campus housing (off-site)	Dormitory
Candy store	Driving instruction
Catalog showroom	Drug store
Caterer	Dry cleaning store
Child care center	Educational institution
Child care home (class I or II)	Embroidery
Chiropractor	Employment agency
Clinic	Engineer
Clock sales	Entertainment facility (indoor)
Clothing alterations	Fabric shop
Clothing rental	Farmers market (including outdoor sales)
Clothing store	Finance agency
Club, private	Financial planning service
Coffee shop	Fireworks sales (indoor)
Coin shop	Fitness center
Collection agency	Flea market (indoor)
Community garden (including outdoor)	Floor covering store
Computer sales and service	Florist
Computer software store	Foundation office
Computer training	Fraternity house
Consignment shop	Fruit/vegetable store (indoor)
Consulting service	Funeral home
Consumer electronics sales	Furniture store
Consumer electronics service	Furrier
Convenience store	Game rental
Copy service	Game sales
Correctional services facility	Gift shop
Cosmetic store	Glass cutting/glazing shop
Costume rental	Graphic design service
Counseling service	Grocery store or supermarket
Craft instruction	Group residential facility, FHAA (large) ⁽⁺⁾
Craft studio	Group residential facility, FHAA (small)
Craft supply store	Gymnastics instruction
Credit service	Hardware store
Credit union	Haunted house
Customer service facility	Health club
Dance instruction	Heating sales
Data processing facility	Hobby shop
Data storage facility	Home improvement business
Day care	Home repair
Day spa	Homeless shelter ⁽¹⁾
Delicatessen	Hospice care center
Dentist	Hospital
Department store	Hot tub sales
Detoxification facility	Hotel
Diagnostic center	Household appliance store
Dialysis center	Ice cream store
Diaper service facility	Insurance agency

FORT WAYNE ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Interior decorating store	Picture framing facility
Interior design service	Pilates instruction
Internet service	Planetarium
Investment service	Planner
Jewelry sales	Podiatrist
Laboratory	Pottery sales
Land surveyor	Public transportation facility
Laundromat	Radio station
Leather goods store	Real estate
Legal service	Reception hall
Live-work unit	Recording studio
Loan office	Recreation facility ⁽¹⁾
Luggage store	Rehabilitation facility
Marketing agency	Rental store
Martial arts training	Residential dwelling unit ⁽³⁾
Massage therapy	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Meat/fish market	Restaurant, including drive-through
Medical supply sales	Retirement facility
Medical training	Sandwich shop
Model unit	Savings and loan
Mortgage service	Sculpture studio
Motel	Security service
Movie rental	Shoe repair shop
Movie sales	Shoe store
Multiple family complex ⁽⁴⁾	Sign sales store
Multiple family dwelling ⁽⁴⁾	Skating rink
Museum	Sleep disorder facility
Music instruction	Social service agency
Music store	Sorority house
Music studio	Sporting goods sales
Musical instrument store	Stained glass studio
Nail salon	Stationery store
Neighborhood facility	Stock and bond broker
Nursing home	Surgery center
Nutrition service	Swim club
Ophthalmologist	Swimming pool sales
Optician	Tailor
Optometrist	Tanning salon
Package liquor store	Tattoo establishment
Paint store	Tavern
Painting studio	Tax consulting
Parking area ⁽¹⁾	Taxi service
Parking area (off-site) ⁽²⁾	Tea room
Parking structure	Telephone sales
Pet store	Telephone service
Pharmacy	Television station
Photography studio	Tennis club
Photography supply store	Theater
Photography training	Tire sales
Physical therapy facility	Title company

FORT WAYNE ZONING ORDINANCE

(D) Special Uses

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

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

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**);

- (5) **Greenhouse** (retail);
- ~~(6)~~ ~~**Group residential facility (large) (if adjacent to a residential district);**~~
- ~~(7)~~~~(6)~~ **Home business** (in an existing single **family detached** dwelling only; see §157.503(D)(3)(b) for additional standards);
- ~~(8)~~~~(7)~~ **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- ~~(9)~~~~(8)~~ **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(10)~~~~(9)~~ **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);
- ~~(11)~~~~(10)~~ **Outdoor use** (in conjunction with a permitted **primary use**);
- ~~(12)~~~~(11)~~ **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**);
- ~~(13)~~~~(12)~~ **Plant nursery**;
- ~~(14)~~~~(13)~~ **Recreation area** (including accessory **recreation areas**);
- ~~(15)~~~~(14)~~ **Recreation facility** (if **adjacent** to a **residential district**);
- ~~(16)~~~~(15)~~ **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(17)~~~~(16)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(18)~~~~(17)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
- ~~(19)~~~~(18)~~ **Sign** (temporary **subdivision** direction);
- ~~(20)~~~~(19)~~ **Solar panel** (ground mounted);
- ~~(21)~~~~(20)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(22)~~~~(21)~~ **Wind energy conversion system, standard** (or more than one (1) micro system); and
- ~~(23)~~~~(22)~~ **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

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

FORT WAYNE ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Bowling alley	Diagnostic center
Brewery (micro)	Dialysis center
Broadcast studio	Diaper service facility
Broker	Dinner theater
Business training	Distillery (micro)
Campus housing (off-site)	Doctor
Candy store	Dormitory
Catalog showroom	Driving instruction
Caterer	Drug store
Child care center	Dry cleaning store
Child care home (class I or II)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engineer
Clothing alterations	Entertainment facility (including outdoor)
Clothing rental	Fabric shop
Clothing store	Farmers market (including outdoor sales)
Club, private	Finance agency
Coffee shop	Financial planning service
Coin shop	Fireworks sales (indoor)
Collection agency	Fitness center
Community garden (including outdoor)	Flea market (indoor)
Computer sales and service	Floor covering store
Computer software store	Florist
Computer training	Foundation office
Consignment shop	Fraternity house
Consulting service	Fruit/vegetable store (indoor)
Consumer electronics sales	Funeral home
Consumer electronics service	Furniture store
Convenience store	Furrier
Copy service	Game rental
Correctional services facility	Game sales
Cosmetic store	Gas station ⁽¹⁾
Costume rental	Gift shop
Counseling service	Glass cutting/glazing shop
Craft instruction	Graphic design service
Craft studio	Grocery store or supermarket
Craft supply store	Group residential facility, FHAA (large) ⁽²⁾
Credit service	Group residential facility, FHAA (small)
Credit union	Gymnastics instruction
Customer service facility	Hardware store
Dance instruction	Haunted house
Data processing facility	Health club
Data storage facility	Heating sales
Day care	Hobby shop
Day spa	Home improvement business
Delicatessen	Home improvement store
Dentist	Home repair
Department store	Homeless shelter ⁽²⁾
Detoxification facility	Hospice care center

FORT WAYNE ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Hospital	Parking structure
Hot tub sales	Pet store
Hotel	Pharmacy
Household appliance store	Photography studio
Ice cream store	Photography supply store
Insurance agency	Photography training
Interior decorating store	Physical therapy facility
Interior design service	Picture framing facility
Internet service	Pilates instruction
Investment service	Planetarium
Jewelry sales	Planner
Laboratory	Podiatrist
Land surveyor	Pottery sales
Landscape contracting service	Public transportation facility
Laundromat	Radio station
Leather goods store	Real estate
Legal service	Reception hall
Live-work unit	Recording studio
Loan office	Recreation facility ⁽²⁾
Luggage store	Rehabilitation facility
Marketing agency	Rental store
Martial arts training	Residential dwelling unit ⁽⁵⁾
Massage therapy	Residential facility for homeless individuals (up to 8) ⁽²⁾
Meat/fish market	Restaurant , including drive-through
Medical supply sales	Retirement facility
Medical training	Sandwich shop
Model unit	Savings and loan
Mortgage service	Sculpture studio
Motel	Seasonal sales
Movie rental	Security service
Movie sales	Shoe repair shop
Multiple family complex ⁽³⁾	Shoe store
Multiple family dwelling ⁽³⁾	Sign sales store
Museum	Skating rink
Music instruction	Sleep disorder facility
Music store	Social service agency
Music studio	Sorority house
Musical instrument store	Sporting goods sales
Nail salon	Stained glass studio
Neighborhood facility	Stationery store
Nursing home	Stock and bond broker
Nutrition service	Surgery center
Ophthalmologist	Swim club
Optician	Swimming pool sales
Optometrist	Tailor
Package liquor store	Tanning salon
Paint store	Tattoo establishment
Painting studio	Tavern
Parking area ⁽²⁾	Tax consulting
Parking area (off-site) ⁽⁴⁾	Taxi service

FORT WAYNE ZONING ORDINANCE

(D) Special Uses

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

- (1) **Automobile maintenance (quick service);**
- (2) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (4) **Greenhouse (retail);**
- ~~(5) **Group residential facility (large) (if adjacent to a residential district);**~~
- ~~(6)~~(5) **Home business** (in an existing single **family detached** dwelling only; see §157.503(D)(3)(b) for additional standards);
- ~~(7)~~(6) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- ~~(8)~~(7) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(9)~~(8) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- ~~(10)~~(9) **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**);
- ~~(11)~~(10) **Plant nursery;**
- ~~(12)~~(11) **Recreation area** (including accessory **recreation areas**);
- ~~(13)~~(12) **Recreation facility** (if **adjacent** to a **residential district**);
- ~~(14)~~(13) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(15)~~(14) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(16)~~(15) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
- ~~(17)~~(16) **Shooting range** (indoor);
- ~~(18)~~(17) **Sign** (temporary **subdivision** direction);
- ~~(19)~~(18) **Solar panel (ground mounted);**
- ~~(20)~~(19) **Utility facility, private** (not otherwise permitted or exempt);
- ~~(21)~~(20) **Wind energy conversion system, standard** (or more than one (1) micro system); and
- ~~(22)~~(21) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Auction hall
Accountant	Auction service
Addiction Treatment Center	Audiologist
Adoption service	Audio-visual studio
Adult care center	Automatic teller machine
Advertising	Automobile accessory store
Agricultural equipment sales	Automobile auction
Agricultural equipment service	Automobile body shop
Agricultural supply sales	Automobile detailing or trim shop
Air conditioning sales	Automobile maintenance (quick service)
Air conditioning service	Automobile rental
Alteration service	Automobile repair
Amusement park ⁽¹⁾	Automobile restoration
Animal grooming	Automobile rustproofing
Animal hospital	Automobile sales
Animal kennel	Automobile washing facility
Animal obedience school	Bait sales
Answering service	Bakery goods
Antique shop	Bank
Apparel and accessory store	Bankruptcy service
Appliance store	Banquet hall
Appraiser	Bar
Arcade	Barber shop
Architect	Barber/beauty school
Arena	Batting cages
Art gallery	Beauty shop
Art instruction	Bed and breakfast
Art studio	Betting or other gambling facility
Art supply store	Bicycle sales and repair shop
Assisted living facility	Billiard or pool hall
Athletic field	Bingo establishment
Attorney	Blood bank

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Blood or plasma donor facility	Day care
Boarding house	Day spa
Boat sales	Delicatessen
Book store	Dentist
Bookkeeping service	Department store
Bowling alley	Detoxification facility
Brewery (micro)	Diagnostic center
Broadcast studio	Dialysis center
Broker	Diaper service facility
Business training	Dinner theater
Campus housing (off-site)	Distillery (micro)
Candy store	Doctor
Catalog showroom	Dormitory
Caterer	Driving instruction
Check cashing	Drug store
Child care center	Dry cleaning store
Child care home (class I or II)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engine repair
Clothing alterations	Engineer
Clothing rental	Entertainment facility
Clothing store	Equipment rental (limited)
Club, private	Equipment service
Coffee shop	Exhibit hall
Coin shop	Exterminator
Collection agency	Fabric shop
Community garden (including outdoor)	Farmers market
Computer sales and service	Feed store
Computer software store	Finance agency
Computer training	Financial planning service
Consignment shop	Fireworks sales
Consulting service	Fitness center
Consumer electronics sales	Flea market
Consumer electronics service	Floor covering store
Convenience store	Florist
Copy service	Foundation office
Correctional services facility	Fraternity house
Cosmetic store	Fruit/vegetable store
Costume rental	Funeral home
Counseling service	Furniture refinishing/repair
Country club	Furniture store
Craft instruction	Furrier
Craft studio	Game rental
Craft supply store	Game sales
Credit service	Garden equipment supply
Credit union	Gas station ⁽²⁾
Customer service facility	Gift shop
Dance instruction	Glass cutting/glazing shop
Data processing facility	Go-kart facility ⁽¹⁾
Data storage facility	Golf course, miniature

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Golf driving range	Motor vehicle rental
Graphic design service	Motor vehicle repair
Greenhouse (retail)	Motor vehicle sales
Grocery store or supermarket	Movie rental
Group residential facility, FHAA (large) ⁽⁺⁾	Movie sales
Group residential facility, FHAA (small)	Multiple family complex ⁽³⁾
Gun sales	Multiple family dwelling ⁽³⁾
Gymnastics instruction	Museum
Hardware store	Music instruction
Haunted house	Music store
Health club	Music studio
Heating sales	Musical instrument store
Heating service	Nail salon
Hobby shop	Neighborhood facility
Home improvement business	Nursing home
Home improvement store	Nutrition service
Home repair	Ophthalmologist
Homeless shelter ⁽¹⁾	Optician
Hospice care center	Optometrist
Hospital	Package liquor store
Hot tub sales	Paint store
Hotel	Painting studio
Household appliance store	Parking area ⁽¹⁾
Ice cream store	Parking area (off-site) ⁽⁴⁾
Insurance agency	Parking structure
Interior decorating store	Pawn shop
Interior design service	Pest control
Internet service	Pet store
Investment service	Pharmacy
Jewelry sales	Photography studio
Laboratory	Photography supply store
Land surveyor	Photography training
Landscape contracting service	Physical therapy facility
Laundromat	Picture framing facility
Leather goods store	Pilates instruction
Legal service	Planetarium
Live-work unit	Planner
Loan office	Plant nursery
Luggage store	Plumbing sales
Manufactured home sales	Plumbing service
Marketing agency	Podiatrist
Martial arts training	Pottery sales
Massage therapy	Propane sales
Meat/fish market	Public transportation facility
Medical supply sales	Radio station
Medical training	Real estate
Model unit	Reception hall
Mortgage service	Recording studio
Motel	Recreation area ⁽¹⁾
Motor vehicle auction	Recreation facility

FORT WAYNE ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Recreation uses	Taxidermist
Rehabilitation facility	Tea room
Rental store	Telephone sales
Residential dwelling unit ⁽⁵⁾	Telephone service
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Television station
Restaurant , including drive-through	Tennis club
Retirement facility	Theater
Riding stable	Tire sales
Sandwich shop	Title company
Savings and loan	Tobacco store
Sculpture studio	Towing service (with no storage yard)
Seasonal sales	Townhouse complex ⁽³⁾
Security service	Toy store
Shoe repair shop	Trade show facility
Shoe store	Travel agency
Shooting range (indoor)	Treatment center
Sign sales store	Truck fueling station
Skating rink	Truck stop
Sleep disorder facility	Tutoring service
Social service agency	Universally permitted use ⁽⁴⁾
Sorority house	Variety store
Sporting goods sales	Veterinary clinic
Stadium/racetrack ⁽¹⁾	Warehouse/storage facility
Stained glass studio	Watch sales
Stationery store	Water park ⁽¹⁾
Stock and bond broker	Watercraft sales
Storage shed sales	Website service
Surgery center	Wedding consultant
Swim club	Weight loss service
Swimming pool sales	Wholesale facility
Tailor	Wind energy conversion system (micro) ⁽¹⁾
Tanning salon	Window repair
Tattoo establishment	Window sales
Tavern	Yoga instruction
Tax consulting	Zipline
Taxi service	Zoo
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 (5) Above, to the rear of, or attached to a permitted nonresidential use	

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

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

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 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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Attorney
Accountant	Auction hall
<u>Addiction Treatment Center</u>	Auction service
Adoption service	Audiologist
Adult care center	Audio-visual studio
Advertising	Automatic teller machine
Agricultural equipment sales	Automobile accessory store
Agricultural equipment service	Automobile auction
Agricultural supply sales	Automobile body shop
Air conditioning sales	Automobile detailing or trim shop
Air conditioning service	Automobile maintenance (quick service)
Alteration service	Automobile rental
Amusement park ⁽¹⁾	Automobile repair
Animal grooming	Automobile restoration
Animal hospital	Automobile rustproofing
Animal kennel	Automobile sales
Animal obedience school	Automobile washing facility
Answering service	Bait sales
Antique shop	Bakery goods
Apparel and accessory store	Bank
Appliance store	Bankruptcy service
Appraiser	Banquet hall
Arcade	Bar
Architect	Barber shop
Arena	Barber/beauty school
Art gallery	Batting cages
Art instruction	Beauty shop
Art studio	Bed and breakfast
Art supply store	Betting or other gambling facility
Assisted living facility	Bicycle sales and repair shop
Athletic field	Billiard or pool hall

FORT WAYNE ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Bingo establishment	Dance instruction
Blood bank	Data processing facility
Blood or plasma donor facility	Data storage facility
Boarding house	Day care
Boat sales	Day spa
Book store	Delicatessen
Bookkeeping service	Dentist
Bowling alley	Department store
Brewery (micro)	<u>Detoxification facility</u>
Broadcast studio	Diagnostic center
Broker	Dialysis center
Business training	Diaper service facility
Campus housing (off-site)	Dinner theater
Candy store	Distillery (micro)
Catalog showroom	Doctor
Caterer	Dormitory
Check cashing	Driving instruction
Child care center	Drug store
Child care home (class I or II)	Dry cleaning store
Chiropractor	Educational institution
Clinic	Embroidery
Clock sales	Employment agency
Clothing alterations	Engine repair
Clothing rental	Engineer
Clothing store	Entertainment facility
Club, private	Equipment rental (limited)
Coffee shop	Equipment service
Coin shop	Exhibit hall
Collection agency	Exterminator
Community garden (including outdoor)	Fabric shop
Computer sales and service	Farmers market
Computer software store	Feed store
Computer training	Finance agency
Consignment shop	Financial planning service
Consulting service	Fireworks sales
Consumer electronics sales	Fitness center
Consumer electronics service	Flea market
Convenience store	Floor covering store
Copy service	Florist
Correctional services facility	Foundation office
Cosmetic store	Fraternity house
Costume rental	Fruit/vegetable store
Counseling service	Funeral home
Country club	Furniture refinishing/repair
Craft instruction	Furniture store
Craft studio	Furrier
Craft supply store	Game rental
Credit service	Game sales
Credit union	Garden equipment supply
Customer service facility	Gas station ⁽²⁾

FORT WAYNE ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Gift shop	Model unit
Glass cutting/glazing shop	Mortgage service
Go-kart facility ⁽¹⁾	Motel
Golf course, miniature	Motor vehicle auction
Golf driving range	Motor vehicle rental
Graphic design service	Motor vehicle repair
Greenhouse (retail)	Motor vehicle sales
Grocery store or supermarket	Movie rental
Group residential facility, FHAA (large) ⁽⁺⁾	Movie sales
Group residential facility, FHAA (small)	Multiple family complex ⁽³⁾
Gun sales	Multiple family dwelling ⁽³⁾
Gymnastics instruction	Museum
Hardware store	Music instruction
Haunted house	Music store
Health club	Music studio
Heating sales	Musical instrument store
Heating service	Nail salon
Hobby shop	Neighborhood facility
Home improvement business	Nursing home
Home improvement store	Nutrition service
Home repair	Ophthalmologist
Homeless shelter ⁽¹⁾	Optician
Hospice care center	Optometrist
Hospital	Package liquor store
Hot tub sales	Paint store
Hotel	Painting studio
Household appliance store	Parking area ⁽¹⁾
Ice cream store	Parking area (off-site) ⁽⁴⁾
Insurance agency	Parking structure
Interior decorating store	Pawn shop
Interior design service	Pest control
Internet service	Pet store
Investment service	Pharmacy
Jewelry sales	Photography studio
Laboratory	Photography supply store
Land surveyor	Photography training
Landscape contracting service	Physical therapy facility
Laundromat	Picture framing facility
Leather goods store	Pilates instruction
Legal service	Planetarium
Live-work unit	Planner
Loan office	Plant nursery
Luggage store	Plumbing sales
Manufactured home sales	Plumbing service
Marketing agency	Podiatrist
Martial arts training	Pottery sales
Massage therapy	Propane sales
Meat/fish market	Public transportation facility
Medical supply sales	Radio station
Medical training	Real estate

FORT WAYNE ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Reception hall	Tax consulting
Recording studio	Taxi service
Recreation area ⁽¹⁾	Taxidermist
Recreation facility	Tea room
Recreation uses	Telephone sales
Rehabilitation facility	Telephone service
Rental store	Television station
Residential dwelling unit ⁽⁵⁾	Tennis club
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Theater
Restaurant , including drive-through	Tire sales
Retirement facility	Title company
Riding stable	Tobacco store
Sandwich shop	Towing service (with no storage yard)
Savings and loan	Townhouse complex ⁽³⁾
Sculpture studio	Toy store
Seasonal sales	Trade show facility
Security service	Travel agency
Sexually oriented business ⁽⁶⁾	Treatment center
Shoe repair shop	Truck fueling station
Shoe store	Truck stop
Shooting range (indoor)	Tutoring service
Sign sales store	Universally permitted use ⁽⁴⁾
Skating rink	Variety store
Sleep disorder facility	Veterinary clinic
Social service agency	Warehouse/storage facility
Sorority house	Watch sales
Sporting goods sales	Water park ⁽¹⁾
Stadium/racetrack ⁽¹⁾	Watercraft sales
Stained glass studio	Website service
Stationery store	Wedding consultant
Stock and bond broker	Weight loss service
Storage shed sales	Wholesale facility
Surgery center	Wind energy conversion system (micro) ⁽¹⁾
Swim club	Window repair
Swimming pool sales	Window sales
Tailor	Yoga instruction
Tanning salon	Zipline
Tattoo establishment	Zoo
Tavern	
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 (5) Above, to the rear of, or attached to a permitted nonresidential use (6) Subject to the standards in §157.414	

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- ~~(3)~~ ~~**Group residential facility (large) (if adjacent to a residential district);**~~
- ~~(4)~~~~(3)~~ **Home business** (in an existing **single family detached dwelling** only; see §157.503(D)(3)(b) for additional standards);
- ~~(5)~~~~(4)~~ **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
- ~~(6)~~~~(5)~~ **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(7)~~~~(6)~~ **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- ~~(8)~~~~(7)~~ **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);
- ~~(9)~~~~(8)~~ **Recreation use, outdoor** (amusement park, go-cart facility, **stadium/race track**, and water park, only; if **adjacent** to a **residential district**);
- ~~(10)~~~~(9)~~ **Residential re-entry facility** ~~for a court-ordered re-entry program;~~
- ~~(11)~~~~(10)~~ **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
- ~~(12)~~~~(11)~~ **Shooting range** (outdoor);
- ~~(13)~~~~(12)~~ **Sign** (temporary **subdivision** direction);
- ~~(14)~~~~(13)~~ **Solar panel (ground mounted)**;
- ~~(15)~~~~(14)~~ **Tree service**;
- ~~(16)~~~~(15)~~ **Utility facility, private** (not otherwise permitted or exempt);
- ~~(17)~~~~(16)~~ **Wind energy conversion system, standard** (or more than one (1) micro system); and
- ~~(18)~~~~(17)~~ **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).

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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Art studio
Accountant	Art supply store
Addiction Treatment Center	Assisted living facility
Adoption service	Attorney
Adult care center	Audiologist
Advertising	Audio-visual studio
Air conditioning sales	Automobile accessory store (indoor)
Alteration service	Automobile rental (indoor)
Animal grooming (indoor)	Automobile sales (indoor)
Animal hospital (indoor)	Bait sales
Animal kennel (indoor)	Bakery goods
Animal obedience school (indoor)	Bank
Answering service	Bankruptcy service
Antique shop	Banquet hall
Apparel and accessory store	Bar
Appraiser	Barber shop
Arcade	Barber/beauty school
Architect	Beauty shop
Arena	Bed and breakfast
Art gallery	Betting or other gambling facility
Art instruction	Bicycle sales and repair shop

FORT WAYNE ZONING ORDINANCE

DC DOWNTOWN CORE SPECIFIC PERMITTED USES	
Billiard or pool hall	Data storage facility
Bingo establishment	Day care
Blood bank	Day spa
Blood or plasma donor facility	Delicatessen
Boarding house	Dentist
Book store	Department store
Bookkeeping service	<u>Detoxification facility</u>
Botanical conservatory	Diagnostic center
Bowling alley	Dialysis center
Brewery (micro)	Diaper service facility
Broadcast studio	Dinner theater
Broker	Distillery (micro)
Business training	Doctor
Candy store	Dormitory
Catalog showroom	Driving instruction
Caterer	Drug store
Child care center	Dry cleaning store
Child care home (class I or II)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engineer
Clothing alterations	Entertainment facility (indoor)
Clothing rental	Exhibit hall
Clothing store	Fabric shop
Club, private	Farmers market (w/outdoor uses)
Coffee shop	Finance agency
Coin shop	Financial planning service
Collection agency	Fireworks sales (indoor)
Community garden	Fitness center
Computer sales and service	Flea market (indoor)
Computer software store	Floor covering store
Computer training	Florist
Consignment shop	Foundation office
Consulting service	Fraternity house
Consumer electronics sales	Fruit and/or vegetable store
Consumer electronics service	Funeral home
Convenience store	Furniture store
Copy service	Furrier
Correctional services facility	Game rental
Cosmetic store	Game sales
Costume rental	Gift shop
Counseling service	Glass cutting/glazing shop
Craft instruction	Graphic design service
Craft studio	Grocery store or supermarket
Craft supply store	<u>Group residential facility, FHAA (large)</u>
Credit service	<u>Group residential facility, FHAA (small)</u>
Credit union	Gymnastics instruction
Customer service facility	Hardware store
Dance instruction	Health club
Data processing facility	Heating sales

FORT WAYNE ZONING ORDINANCE

DC DOWNTOWN CORE SPECIFIC PERMITTED USES	
Hobby shop	Pharmacy
Hospice care center	Photography studio
Hospital	Photography supply store
Hotel	Photography training
Ice cream store	Physical therapy facility
Insurance agency	Picture framing facility
Interior decorating store	Pilates instruction
Interior design service	Planetarium
Internet service	Planner
Investment service	Podiatrist
Jewelry sales	Public transportation facility
Laboratory	Radio station
Land surveyor	Real estate
Laundromat	Reception hall
Leather goods store	Recording studio
Legal service	Rehabilitation facility
Live-work unit	Rental store
Loan office	Residential dwelling unit ⁽⁴⁾
Luggage store	Restaurant, including drive-through
Marketing agency	Retirement facility
Martial arts training	Riding stable
Massage therapy	Sandwich shop
Meat/fish market	Savings and loan
Medical training	Sculpture studio
Model unit	Security service
Mortgage service	Self-service storage facility ⁽³⁾
Movie rental	Shoe repair shop
Movie sales	Shoe store
Multiple family complex ⁽¹⁾	Sign sales store
Multiple family dwelling ⁽¹⁾	Skating rink
Museum	Sleep disorder facility
Music instruction	Social service agency
Music store	Sorority house
Music studio	Sporting goods sales
Musical instrument store	Stadium
Nail salon	Stained glass studio
Neighborhood facility	Stationery store
Nursing home	Stock and bond broker
Nutrition service	Surgery center
Ophthalmologist	Swim club (indoor)
Optician	Tailor
Optometrist	Tanning salon
Package liquor store	Tattoo establishment
Paint store	Tavern
Painting studio	Tax consulting
Parking area (off-site) ⁽²⁾	Taxi service
Parking structure ⁽³⁾	Tea room
Pet store	Telephone sales

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

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

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

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

- ~~(10)~~(8) **Pawn shop**;
- ~~(11)~~(9) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(12)~~(10) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(13)~~(11) **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(14)~~(12) **Self-service storage (mini-warehouse) facility** (as a **primary use**);
- ~~(15)~~(13) **Solar panel (ground mounted)**; and
- ~~(16)~~(14) **Utility facility, private** (not otherwise permitted or exempt).

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 SPECIFIC PERMITTED USES	
Accessory building/structure/use	Bakery goods
Accountant	Bank
<u>Addiction Treatment Center</u>	Bankruptcy service
Adoption service	Banquet hall
Adult care center	Bar
Advertising	Barber shop
Air conditioning sales	Barber/beauty school
Alteration service	Beauty shop
Animal grooming (indoor)	Bed and breakfast
Animal hospital (indoor)	Betting or other gambling facility
Animal kennel (indoor)	Bicycle sales and repair shop
Animal obedience school (indoor)	Billiard or pool hall
Answering service	Bingo establishment
Antique shop	Blood bank
Apparel and accessory store	Blood or plasma donor facility
Appraiser	Book store
Arcade	Bookkeeping service
Architect	Botanical conservatory
Arena	Bowling alley
Art gallery	Brewery (micro)
Art instruction	Broadcast studio
Art studio	Broker
Art supply store	Business training
Assisted living facility	Candy store
Attorney	Catalog showroom
Audiologist	Caterer
Audio-visual studio	Child care center
Automobile accessory store (indoor)	Child care home (class I)
Automobile rental (indoor)	Chiropractor
Automobile sales (indoor)	Clinic
Bait sales	Clock sales

FORT WAYNE ZONING ORDINANCE

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES	
Clothing alterations	Fabric shop
Clothing rental	Farmers market (with outdoor uses)
Clothing store	Finance agency
Club, private	Financial planning service
Coffee shop	Fireworks sales (indoor)
Coin shop	Fitness center
Collection agency	Flea market (indoor)
Community garden	Floor covering store
Computer sales and service	Florist
Computer software store	Foundation office
Computer training	Fruit and/or vegetable store
Consignment shop	Funeral home
Consulting service	Furniture store
Consumer electronics sales	Furrier
Consumer electronics service	Game rental
Convenience store	Game sales
Copy service	Gift shop
Correctional services facility	Glass cutting/glazing shop
Cosmetic store	Graphic design service
Costume rental	Grocery store or supermarket
Counseling service	<u>Group residential facility, FHAA (large)</u>
Craft instruction	<u>Group residential facility, FHAA (small)</u>
Craft studio	Gymnastics instruction
Craft supply store	Hardware store
Credit service	Health club
Credit union	Heating sales
Customer service facility	Hobby shop
Dance instruction	Hospice care center
Data processing facility	Hospital
Data storage facility	Hotel
Day care	Ice cream store
Day spa	Insurance agency
Delicatessen	Interior decorating store
Dentist	Interior design service
Department store	Internet service
<u>Detoxification facility</u>	Investment service
Diagnostic center	Jewelry sales
Dialysis center	Laboratory
Diaper service facility	Land surveyor
Dinner theater	Laundromat
Distillery (micro)	Leather goods store
Doctor	Legal service
Dormitory	Live-work unit
Driving instruction	Loan office
Drug store	Luggage store
Dry cleaning store	Marketing agency
Dwelling, two family ⁽¹⁾	Martial arts training
Educational institution	Massage therapy
Embroidery	Meat/fish market
Employment agency	Medical training
Engineer	Model unit
Entertainment facility (indoor)	Mortgage service
Exhibit hall	Movie rental

FORT WAYNE ZONING ORDINANCE

DE DOWNTOWN EDGE SPECIFIC PERMITTED USES	
Movie sales	Sculpture studio
Multiple family complex ⁽²⁾	Security service
Multiple family dwelling ⁽²⁾	Shoe repair shop
Museum	Shoe store
Music instruction	Sign sales store
Music store	Skating rink
Music studio	Sleep disorder facility
Musical instrument store	Social service agency
Nail salon	Sporting goods sales
Neighborhood facility	Stadium
Newspaper publishing facility	Stained glass studio
Nursing home	Stationery store
Nutrition service	Stock and bond broker
Ophthalmologist	Surgery center
Optician	Swim club (indoor)
Optometrist	Tailor
Package liquor store	Tanning salon
Paint store	Tattoo establishment
Painting studio	Tavern
Parking area (off-site) ⁽³⁾	Tax consulting
Parking structure ⁽⁴⁾	Taxi service
Pet store	Tea room
Pharmacy	Telephone sales
Photography studio	Telephone service
Photography supply store	Television station
Photography training	Tennis club (indoor)
Physical therapy facility	Theater (indoor)
Picture framing facility	Title company
Pilates instruction	Tobacco store
Planetarium	Townhouse complex ⁽²⁾
Planner	Toy store
Podiatrist	Travel agency
Public transportation facility	Treatment center
Radio station	Tutoring service
Real estate	Universally permitted use ⁽³⁾
Reception hall	Variety store
Recording studio	Veterinary clinic
Rehabilitation facility	Watch sales
Rental store	Water park
Residential dwelling unit ⁽¹⁾	Website service
Restaurant, including drive-through	Wedding consultant
Retirement facility	Weight loss service
Riding stable	Window sales
Sandwich shop	Yoga instruction
Savings and loan	Zoo
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) See multiple family complex 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	

FORT WAYNE ZONING ORDINANCE

canopy shall not be required to have decorative designs for the **canopy** columns, unless the **canopy** is located having **frontage** on two **streets**. In cases where decorative design for **canopy** columns is required, such columns shall be designed of brick or stone or other material to achieve a similar decorative affect.

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

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

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

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

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

(ii) **Canopy** location and design

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

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

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

~~(9) — Group residential facility (large);~~

~~(10) — Group residential facility (small);~~

~~(11)~~(9) **Home business** (in an existing single **family detached** dwelling only; see §157.503(D)(3)(b) for additional standards);

~~(12)~~(10) **Homeless shelter** (accessory to a **religious institution**);

~~(13)~~(11) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);

~~(14)~~(12) **Model unit** (for extension of time or expansion of scope);

~~(15)~~(13) **Nature preserve** (that includes a structure or **parking area**);

~~(16)~~(14) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

FORT WAYNE ZONING ORDINANCE

~~(17)~~(15) **Parking structures** (public or private)

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

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

~~(18)~~(16) **Pawn shop**;

~~(19)~~(17) **Religious institution** or non-public **school** illuminated **athletic field(s)**;

~~(20)~~(18) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;

~~(21)~~(19) **Residential facility for homeless individuals** (for up to eight (8) individuals);

~~(22)~~(20) **Single family dwelling (detached)**;

~~(23)~~(21) **Solar panel (ground mounted)**;

~~(24)~~(22) **Sorority house**; and

~~(25)~~(23) **Utility facility, private** (not otherwise permitted or exempt).

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 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	Art supply store
Accountant	Assisted living facility
Addiction Treatment Center	Attorney
Adoption service	Audiologist
Adult care center	Audio-visual studio
Advertising	Automobile accessory store (indoor)
Air conditioning sales	Automobile rental (indoor)
Alteration service	Automobile sales (indoor)
Animal grooming (indoor)	Bait sales
Animal hospital (indoor)	Bakery goods
Animal kennel (indoor)	Bank
Animal obedience school (indoor)	Bankruptcy service
Answering service	Banquet hall
Antique shop	Bar
Apparel and accessory store	Barber shop
Appraiser	Barber/beauty school
Arcade	Beauty shop
Architect	Bed and breakfast
Art gallery	Bicycle sales and repair shop
Art instruction	Billiard or pool hall
Art studio	Bingo establishment

FORT WAYNE ZONING ORDINANCE

UC URBAN CORRIDOR SPECIFIC PERMITTED USES (drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)	
Blood bank	Delicatessen
Blood or plasma donor facility	Dentist
Boarding house	Department store
Book store	<u>Detoxification facility</u>
Bookkeeping service	Diagnostic center
Bowling alley	Dialysis center
Brewery (micro)	Diaper service facility
Broadcast studio	Dinner theater
Broker	Distillery (micro)
Business training	Doctor
Candy store	Dormitory
Catalog showroom	Driving instruction
Caterer	Drug store
Child care center	Dry cleaning store
Child care home (class I)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engineer
Clothing alterations	Entertainment facility (indoor)
Clothing rental	Fabric shop
Clothing store	Farmers market (with outdoor uses)
Club, private	Finance agency
Coffee shop	Financial planning service
Coin shop	Fireworks sales (indoor)
Collection agency	Fitness center
Community garden	Flea market (indoor)
Computer sales and service	Floor covering store
Computer software store	Florist
Computer training	Foundation office
Consignment shop	Fruit and/or vegetable store
Consulting service	Funeral home
Consumer electronics sales	Furniture store
Consumer electronics service	Furrier
Convenience store	Game rental
Copy service	Game sales
Correctional services facility	Gift shop
Cosmetic store	Glass cutting/glazing shop
Costume rental	Graphic design service
Counseling service	Grocery store or supermarket
Craft instruction	<u>Group residential facility, FHAA (large)</u>
Craft studio	<u>Group residential facility, FHAA (small)</u>
Craft supply store	Gymnastics instruction
Credit service	Hardware store
Credit union	Health club
Customer service facility	Heating sales
Dance instruction	Hobby shop
Data processing facility	Hospice care center
Data storage facility	Hospital
Day care	Ice cream store
Day spa	Insurance agency

FORT WAYNE ZONING ORDINANCE

UC URBAN CORRIDOR SPECIFIC PERMITTED USES (drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)	
Interior decorating store	Planner
Interior design service	Podiatrist
Internet service	Public transportation facility
Investment service	Radio station
Jewelry sales	Real estate
Laboratory	Reception hall
Land surveyor	Recording studio
Laundromat	Rehabilitation facility
Leather goods store	Rental store
Legal service	Residential dwelling unit
Live-work unit	Restaurant
Loan office	Retirement facility
Luggage store	Riding stable
Marketing agency	Sandwich shop
Martial arts training	Savings and loan
Massage therapy	Sculpture studio
Meat/fish market	Security service
Medical training	Shoe repair shop
Model unit	Shoe store
Mortgage service	Sign sales store
Movie rental	Single family dwelling (attached)
Movie sales	Single family dwelling (detached)
Multiple family complex ⁽¹⁾	Skating rink
Multiple family dwelling ⁽¹⁾	Sleep disorder facility
Museum	Social service agency
Music instruction	Sporting goods sales
Music store	Stained glass studio
Music studio	Stationery store
Musical instrument store	Stock and bond broker
Nail salon	Surgery center
Neighborhood facility	Swim club (indoor)
Nursing home	Tailor
Nutrition service	Tanning salon
Ophthalmologist	Tattoo establishment ⁽⁴⁾
Optician	Tavern
Optometrist	Tax consulting
Package liquor store	Taxi service
Paint store	Tea room
Painting studio	Telephone sales
Parking area (off-site) ⁽²⁾	Telephone service
Parking structure ⁽³⁾	Television station
Pet store	Tennis club (indoor)
Pharmacy	Theater (indoor)
Photography studio	Title company
Photography supply store	Tobacco store
Photography training	Townhouse complex ⁽¹⁾
Physical therapy facility	Townhouse dwelling
Picture framing facility	Toy store
Pilates instruction	Travel agency
Planetarium	Treatment center

FORT WAYNE ZONING ORDINANCE

UC URBAN CORRIDOR SPECIFIC PERMITTED USES (drive-through facilities, gas stations and/or gas pumps/canopies shall not be permitted as either a primary or an accessory use)	
Tutoring service	Website service
Two family dwelling	Wedding consultant
Universally permitted use ⁽²⁾	Weight loss service
Variety store	Window sales
Veterinary clinic	Yoga instruction
Watch sales	Zoo
Notes: (1) See multiple family complex 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) New tattoo facilities shall be located a minimum of 500' from any existing facility, as measured from the closest property lines	

(C) Special Uses

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Child care home (class II)**;
- (3) **Community garden** (that includes a **structure**);
- (4) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
- (5) **Fraternity house**;
- ~~(6) **Group residential facility (large)**;~~
- ~~(7) **Group residential facility (small)**;~~
- ~~(8)~~(6) **Home business** (for single **family detached** dwellings only; see §157.503(D)(3)(b) for additional standards);
- ~~(9)~~(7) **Homeless shelter** (accessory to a **religious institution**);
- ~~(10)~~(8) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);
- ~~(11)~~(9) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(12)~~(10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

FORT WAYNE ZONING ORDINANCE

~~(13)~~(11) **Parking structures** (public or private)

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

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

~~(14)~~(12) **Recreation area** (including accessory **recreation areas**);

~~(15)~~(13) **Religious institution** or non-public **school** illuminated **athletic field(s)**;

~~(16)~~(14) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;

~~(17)~~(15) **Residential facility for homeless individuals** (for up to eight (8) individuals);

~~(18)~~(16) **Sorority house**;

~~(19)~~(17) **Solar panel (ground mounted)**;

~~(20)~~(18) **Subdivision amenity**; and

~~(21)~~(19) **Utility facility, private** (not otherwise permitted or exempt).

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/use	Assisted living facility
Accountant	Attorney
Addiction Treatment Center	Auction service
Adoption service	Audiologist
Adult care center	Audio-visual studio
Advertising	Automatic teller machine
Air conditioning sales	Automobile accessory store (indoor)
Air freight service	Automobile rental (indoor)
Alteration service	Automobile sales (indoor)
Animal grooming (indoor)	Bait sales
Animal hospital (indoor)	Bakery
Animal kennel (indoor)	Bakery goods
Animal obedience school (indoor)	Bank
Answering service	Bankruptcy service
Antique shop	Banquet hall
Apparel and accessory store	Bar
Apparel fabrication and processing	Barber shop
Appliance store	Barber/beauty school
Appraiser	Beauty shop
Aquaculture	Bicycle sales and repair shop
Aquaponics	Billiard or pool hall
Arcade	Bingo establishment
Architect	Bioscience development, research, or testing
Art gallery	Blood bank
Art instruction	Blood or plasma donor facility
Art studio	Boarding house
Art supply store	Boat dry dock facility

FORT WAYNE ZONING ORDINANCE

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Book store	Dairy/creamery
Bookkeeping service	Dance instruction
Bowling alley	Data processing facility
Brewery (micro)	Data storage facility
Broadcast studio	Day care
Broker	Day spa
Business incubation office or laboratory	Delicatessen
Business training	Dentist
Campus housing (off-site)	Department store
Candy store	<u>Detoxification facility</u>
Catalog showroom	Diagnostic center
Caterer	Dialysis center
Child care center	Diaper service facility
Child care home (class I or II)	Dinner theater
Chiropractor	Distillery (micro)
Clinic	Distribution facility for:
Clock sales	Batteries
Clothing alterations	Beer
Clothing rental	Building materials
Clothing store	Electrical parts
Club, private	Food
Coffee shop	Janitorial supplies
Coin shop	Lubrication
Collection agency	Machines
Community garden (including outdoor)	Medical supplies
Computer sales and service	Oil
Computer software	Paint
Computer software store	Petroleum products
Computer training	Pipe
Consignment shop	Plumbing fixtures
Consulting service	Soft drinks
Consumer electronics sales	Steel
Consumer electronics service	Tires (new)
Convenience store	Truck bodies
Copy service	Vending machines
Correctional services facility	Windows
Cosmetic product compounding	Doctor
Cosmetic store	Dormitory
Costume rental	Driving instruction
Counseling service	Drug store
Craft instruction	Dry cleaning facility (central)
Craft studio	Dry cleaning store
Craft supply store	Educational institution
Credit service	Embroidery
Credit union	Employment agency
Crematory	Engineer
Customer service facility	Entertainment facility

FORT WAYNE ZONING ORDINANCE

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Equipment rental (limited and general)	Heating sales
Equipment supply facility for:	Hobby shop
Air purification	Home improvement business
Electric wire and cable	Home repair
Electrical	Homeless shelter
Fire protection	Hospice care center
Food service	Hospital
Heating, ventilation, or air conditioning	Hot tub sales
Industrial	Hotel
Maintenance	Household appliance store
Mechanical	Hydroponics
Medical	Ice cream store
Power transmission	Information technology
Radio/communication	Insurance agency
Restaurant	Interior decorating store
Telecommunication	Interior design service
Trade show/exhibit	Internet applications/products
Truck	Internet service
Water softening/purification	Investment service
Welding	Jewelry sales
Fabric shop	Laboratory
Farmers market (including outdoor sales)	Laboratory (testing)
Finance agency	Land surveyor
Financial planning service	Lathe/screw machine products
Fireworks sales (indoor)	Laundromat
Fitness center	Laundry facility (central)
Flea market (indoor)	Leather goods store
Floor covering store	Legal service
Florist	Limited assembly and fabrication of:
Foundation office	Bio-medical/orthopedic products
Fraternity house	Communication and computation equipment
Freight service	Computer hardware products
Fruit/vegetable store (indoor)	Computers and electronics
Funeral home	Industrial controls
Furniture production	Medical devices
Furniture store	Optical instruments
Furrier	Orthopedic devices
Game rental	Scientific and precision instruments
Game sales	Service industry machines
Gift shop	Specialty equipment
Glass cutting/glazing shop	Live-work unit
Graphic design service	Loan office
Grocery store or supermarket	Luggage store
Group residential facility, FHAA (large) -(+)	Machine design facility
Group residential facility, FHAA (small)	Machine tool shop
Gymnastics instruction	Marketing agency
Hardware store	Martial arts training
Haunted house	Massage therapy
Health club	Meat/fish market

FORT WAYNE ZONING ORDINANCE

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Medical device technology	Recreation area
Medical supply sales	Recreation facility
Medical training	Recreation uses
Model unit	Refurbishing facility (household items)
Mortgage service	Rehabilitation facility
Motel	Rental store
Movie rental	Research and development facility
Movie sales	Residential dwelling unit ⁽⁴⁾
Multiple family complex ⁽²⁾	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Multiple family dwelling ⁽²⁾	Restaurant , including drive-through
Museum	Retirement facility
Music instruction	Sandwich shop
Music store	Savings and loan
Music studio	Sculpture studio
Musical instrument store	Security service
Nail salon	Shoe repair shop
Neighborhood facility	Shoe store
Nursing home	Sign sales store
Nutrition service	Skating rink
Ophthalmologist	Sleep disorder facility
Optician	Social service agency
Optometrist	Sorority house
Package liquor store	Sporting goods sales
Paint store	Stained glass studio
Painting studio	Stationery store
Parking area ⁽¹⁾	Stock and bond broker
Parking area (off-site) ⁽³⁾	Surgery center
Parking structure	Swim club
Pet store	Swimming pool sales
Pharmaceutical product compounding	Tailor
Pharmacy	Tanning salon
Photography studio	Tattoo establishment
Photography supply store	Tavern
Photography training	Tax consulting
Physical therapy facility	Tea room
Picture framing facility	Telephone sales
Pilates instruction	Telephone service
Planetarium	Television station
Planner	Tennis club
Podiatrist	Theater
Pottery sales	Title company
Printing facility	Tobacco store
Printing press	Tool and die facility
Product research and development	Townhouse complex ⁽²⁾
Public transportation facility	Toy store
Radio station	Travel agency
Real estate	Treatment center
Reception hall	Tutoring service
Recording studio	Universally permitted use ⁽³⁾

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) **Automobile service, general** (excluding **gas station uses**);
- (2) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- (3) **Gas station**

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

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

~~(5)~~(4) Growing/processing/raising of natural products;

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

~~(7)~~(6) Metal and plastic extrusion and molding facility;

~~(8)~~(7) Metal cutting facility;

~~(9)~~(8) Metal fabricating facility;

~~(10)~~(9) Metal processing facility (anodizing, buffing, galvanizing, plating, and polishing);

~~(11)~~(10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

~~(12)~~(11) **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**);

~~(13)~~(12) Processing facility (small scale);

~~(14)~~(13) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;

~~(15)~~(14) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent to a residential district**);

~~(16)~~(15) Sheet metal fabrication and/or processing;

~~(17)~~(16) **Sign** (temporary **subdivision** direction);

~~(18)~~(17) **Solar panel (ground-mounted)**;

~~(19)~~(18) **Wind energy conversion system, micro** (on land **adjacent to a residential district**, or to erect an additional micro system or systems); and

~~(20)~~(19) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent to a residential district**).

FORT WAYNE ZONING ORDINANCE

§ 157.223 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/use	Art instruction
Accountant	Art studio
<u>Addiction Treatment Center</u>	Art supply store
Adoption service	Assembly facility for/manufacturing of:
Adult care center	Adhesive/glue
Advertising	Agricultural implements
Agricultural equipment sales	Aircraft
Agricultural equipment service	Animal feed
Agricultural supply sales	Appliances
Air conditioning sales	Automobiles
Air conditioning service	Bicycles
Air freight service	Boats
Alteration service	Carbon steel pipe and tubing
Animal grooming	Computers
Animal hospital	Concrete and concrete products
Animal kennel	Electronics
Animal obedience school	Insulation
Animal slaughter house (indoor)	Manufactured homes
Answering service	Modular buildings
Antique shop	Motorcycles
Apparel and accessory store	Motors
Apparel fabrication and processing	Paper/paper products
Appliance store	Recreational vehicles
Appraiser	Spas
Aquaculture	Stainless steel
Aquaponics	Steel
Arcade	Tile
Architect	Tires
Arena	Valves
Art gallery	Assembly of finished products

FORT WAYNE ZONING ORDINANCE

12 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Credit union	Engine repair
Crematory	Engineer
Customer service facility	Entertainment facility
Dairy/creamery	Equipment rental (limited and general)
Dance instruction	Equipment service
Data processing facility	Equipment supply facility for:
Data storage facility	Air purification
Day care	Electrical
Day spa	Electric wire and cable
Delicatessen	Fire protection
Dentist	Food service
Department store	Heating, ventilation, or air conditioning
Detoxification facility	Industrial
Diagnostic center	Maintenance
Dialysis center	Mechanical
Diaper service facility	Medical
Dinner theater	Power transmission
Distillery	Radio/communication
Distillery (micro)	Restaurant
Distribution facility for:	Telecommunication
Batteries	Trade show/exhibit
Beer	Truck
Building materials	Water softening/purification
Electrical parts	Welding
Food	Exhibit hall
Janitorial supplies	Exterminator
Lubrication	Fabric shop
Machines	Farmers market
Medical supplies	Feed store
Oil	Finance agency
Paint	Financial planning service
Petroleum products	Fireworks sales
Pipe	Fitness center
Plumbing fixtures	Flea market
Soft drinks	Floor covering store
Steel	Florist
Tires (new)	Foundation office
Truck bodies	Foundry
Vending machines	Fraternity house
Windows	Freight service
Doctor	Fruit/vegetable store
Dormitory	Funeral home
Driving instruction	Furniture production
Drug store	Furniture refinishing/repair
Dry cleaning facility (central)	Furniture store
Dry cleaning store	Furrier
Educational institution	Game rental
Embroidery	Game sales
Employment agency	Garden equipment supply

FORT WAYNE ZONING ORDINANCE

12 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Gift shop	Leather goods store
Glass cutting/glazing shop	Legal service
Go-kart facility ⁽¹⁾	Limited assembly and fabrication of:
Golf course, miniature	Bio-medical/orthopedic products
Golf driving range	Communication and computation equipment
Graphic design service	Computers and electronics
Greenhouse (retail)	Computer hardware products
Greenhouse (wholesale)	Industrial controls
Grocery store or supermarket	Medical devices
Group residential facility, FHAA (large) ⁽⁺⁾	Optical instruments
Group residential facility, FHAA (small)	Orthopedic devices
Growing/processing/raising of natural products	Scientific and precision instruments
Gun sales	Service industry machines
Gymnastics instruction	Specialty equipment
Hardware store	Live-work unit
Haunted house	Loan office
Health club	Luggage store
Heating sales	Machine design facility
Heating service	Machine tool shop
Hobby shop	Magnet wire facility
Home improvement business	Maintenance or repair facility
Home improvement store	Manufactured home sales
Home repair	Marketing agency
Homeless shelter	Martial arts training
Hospice care center	Massage therapy
Hospital	Meat/fish market
Hot tub sales	Medical device technology
Hotel	Medical supply sales
Household appliance store	Medical training
Hydroponics	Metal cutting
Ice cream store	Metal extrusion
Information technology	Metal fabricating
Insurance agency	Metal molding
Interior decorating store	Model unit
Interior design service	Mortgage service
Internet applications/products	Motel
Internet service	Motor vehicle auction
Investment service	Motor vehicle rental
Jewelry sales	Motor vehicle repair
Junk yard (indoor)	Motor vehicle sales
Laboratory	Movie rental
Laboratory (testing)	Movie sales
Land surveyor	Multiple family complex ⁽²⁾
Landscape contracting service	Multiple family dwelling ⁽²⁾
Lathe/screw machine products	Museum
Laundromat	Music instruction
Laundry facility (central)	Music store

FORT WAYNE ZONING ORDINANCE

12 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Music studio	Real estate
Musical instrument store	Reception hall
Nail salon	Recording studio
Neighborhood facility	Recreation area
Nursing home	Recreation facility
Nutrition service	Recreation uses
Ophthalmologist	Recycling processing facility
Optician	Refractory
Optometrist	Refurbishing facility
Package liquor store	Rehabilitation facility
Packaging facility	Rental store
Paint store	Research and development facility
Painting studio	Residential dwelling unit ⁽⁴⁾
Parking area ⁽¹⁾	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Parking area (off-site) ⁽³⁾	Restaurant , including drive-through
Parking structure	Retirement facility
Pawn shop	Riding stable
Pest control	Sales yard for:
Pet store	Building materials
Pharmacy	Lumber
Photography studio	Sand, gravel, stone
Photography supply store	Salvage yard (indoor)
Photography training	Sandwich shop
Physical therapy facility	Savings and loan
Picture framing facility	Sculpture studio
Pilates instruction	Seasonal sales
Planetarium	Security service
Planner	Sheet metal fabrication
Plant nursery	Sheet metal processing
Plastic extrusion	Shoe repair shop
Plastic molding	Shoe store
Plumbing sales	Shooting range (indoor)
Plumbing service	Sign fabricating
Podiatrist	Sign sales store
Pottery sales	Skating rink
Printing facility	Sleep disorder facility
Printing press	Social service agency
Processing facility for:	Sorority house
Animals (indoor: includes skins, hides, or reduction of Animal matter)	Sporting goods sales
Animal products (indoor)	Stadium/racetrack ⁽¹⁾
Lumber	Stained glass studio
Metal (anodizing, buffing, galvanizing, plating, polishing)	Stationery store
Raw Materials	Stock and bond broker
Timber	Storage shed sales
Product research and development	Surgery center
Propane facility	Swim club
Propane sales	Swimming pool sales
Public transportation facility	Tailor
Radio station	Tanning salon

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

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

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

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

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

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

~~(10)~~(9) **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**);

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

~~(12)~~(11) Processing facility for: animals (includes skins, hides, or reduction of animal matter; outdoor) or animal products (outdoor);

~~(13)~~(12) Residential **re-entry** facility ~~for a court-ordered re-entry program~~;

~~(14)~~(13) Residential facility for homeless individuals (for up to eight (8) individuals, if adjacent to a residential district);

~~(15)~~(14) Salvage yard (outdoor);

~~(16)~~(15) Sawmill;

~~(17)~~(16) **Sign** (temporary **subdivision** direction);

~~(18)~~(17) Solar panel (ground-mounted);

~~(19)~~(18) Solid waste transfer station;

~~(20)~~(19) Wind energy conversion system, micro (on land adjacent to a residential district, or to erect an additional micro system or systems); and

~~(21)~~(20) 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	Art instruction
Accountant	Art studio
<u>Addiction Treatment Center</u>	Art supply store
Adoption service	Asphalt plant
Adult care center	Assembly facility for/manufacturing of:
Advertising	Adhesive/glue
Agricultural equipment sales	Agricultural implements
Agricultural equipment service	Aircraft
Agricultural supply sales	Animal feed
Air conditioning sales	Appliances
Air conditioning service	Automobiles
Air freight service	Bicycles
Alteration service	Boats
Amusement park	Carbon steel pipe and tubing
Animal grooming	Computers
Animal hospital	Concrete and concrete products
Animal kennel	Electronics
Animal obedience school	Insulation
Animal slaughter house	Manufactured homes
Answering service	Modular buildings
Antique shop	Motorcycles
Apparel and accessory store	Motors
Apparel fabrication and processing	Paper/paper products
Appliance store	Recreational vehicles
Appraiser	Spas
Aquaculture	Stainless steel
Aquaponics	Steel
Arcade	Tile
Architect	Tires
Arena	Valves
Art gallery	Assembly of finished products

FORT WAYNE ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Dairy/creamery	Equipment service
Dance instruction	Equipment supply facility for:
Data processing facility	Air purification
Data storage facility	Electric wire and cable
Day care	Electrical
Day spa	Fire protection
Delicatessen	Food service
Dentist	Heating, ventilation, or air conditioning
Department store	Industrial
<u>Detoxification facility</u>	Maintenance
Diagnostic center	Mechanical
Dialysis center	Medical
Diaper service facility	Power transmission
Dinner theater	Radio/communication
Distillery	Restaurant
Distillery (micro)	Telecommunication
Distribution facility for:	Trade show/exhibit
Batteries	Truck
Beer	Water softening/purification
Building materials	Welding
Electrical parts	Exhibit hall
Food	Exterminator
Janitorial supplies	Fabric shop
Lubrication	Farmers market
Machines	Feed store
Medical supplies	Finance agency
Oil	Financial planning service
Paint	Fireworks sales
Petroleum products	Fitness center
Pipe	Flea market
Plumbing fixtures	Floor covering store
Soft drinks	Florist
Steel	Foundation office
Tires (new)	Foundry
Truck bodies	Fraternity house
Vending machines	Freight service
Windows	Fruit/vegetable store
Doctor	Fuel storage facility
Dormitory	Funeral home
Driving instruction	Furniture production
Drug store	Furniture refinishing/repair
Dry cleaning facility (central)	Furniture store
Dry cleaning store	Furrier
Educational institution	Game rental
Embroidery	Game sales
Employment agency	Garden equipment supply
Engine repair	Gas station ⁽⁵⁾
Engineer	Gift shop
Entertainment facility	Glass cutting/glazing shop
Equipment rental (limited and general)	Go-kart facility ⁽¹⁾

FORT WAYNE ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Golf course, miniature	Limited assembly and fabrication of:
Golf driving range	Bio-medical/orthopedic products
Graphic design service	Communication and computation equipment
Greenhouse (retail)	Computers and electronics
Greenhouse (wholesale)	Computer hardware products
Grocery store or supermarket	Industrial controls
Group residential facility, FHAA (large) ⁽⁺⁾	Medical devices
Group residential facility, FHAA (small)	Optical instruments
Growing/processing/raising of natural products	Orthopedic devices
Gun sales	Scientific and precision instruments
Gymnastics instruction	Service industry machines
Hardware store	Specialty equipment
Haunted house	Live-work unit
Health club	Loan office
Heating sales	Luggage store
Heating service	Machine design facility
Hobby shop	Machine tool shop
Home improvement business	Magnet wire facility
Home improvement store	Maintenance or repair facility
Home repair	Manufactured home sales
Homeless shelter	Marketing agency
Hospice care center	Martial arts training
Hospital	Massage therapy
Hot tub sales	Meat/fish market
Hotel	Medical device technology
Household appliance store	Medical supply sales
Hydroponics	Medical training
Ice cream store	Metal cutting
Information technology	Metal extrusion
Insurance agency	Metal fabricating
Interior decorating store	Metal molding
Interior design service	Model unit
Internet applications/products	Mortgage service
Internet service	Motel
Investment service	Motor vehicle auction
Jewelry sales	Motor vehicle rental
Junk yard	Motor vehicle repair
Laboratory	Motor vehicle sales
Laboratory (testing)	Motor vehicle storage yard
Land surveyor	Movie rental
Landscape contracting service	Movie sales
Lathe/screw machine products	Multiple family complex ⁽⁶⁾
Laundromat	Multiple family dwelling ⁽⁶⁾
Laundry facility (central)	Museum
Leather goods store	Music instruction
Legal service	Music store

FORT WAYNE ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Music studio	Reception hall
Musical instrument store	Recording studio
Nail salon	Recreation area
Neighborhood facility	Recreation facility
Nursing home	Recreation uses
Nutrition service	Recycling processing facility
Ophthalmologist	Refractory
Optician	Refurbishing facility
Optometrist	Rehabilitation facility
Package liquor store	Rental store
Packaging facility	Research and development facility
Paint store	Residential dwelling unit ⁽³⁾
Painting studio	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Parking area	Restaurant, including drive-through
Parking area (off-site) ⁽²⁾	Retirement facility
Parking structure	Riding stable
Pawn shop	Sales yard for:
Pest control	Building materials
Pet store	Lumber
Pharmacy	Sand, gravel, stone
Photography studio	Salvage yard
Photography supply store	Sandwich shop
Photography training	Savings and loan
Physical therapy facility	Sculpture studio
Picture framing facility	Seasonal sales
Pilates instruction	Security service
Planetarium	Sheet metal fabrication
Planner	Sheet metal processing
Plant nursery	Shoe repair shop
Plastic extrusion	Shoe store
Plastic molding	Shooting range (indoor)
Plumbing sales	Sign fabricating
Plumbing service	Sign sales store
Podiatrist	Skating rink
Pottery sales	Sleep disorder facility
Printing facility	Social service agency
Printing press	Solid waste transfer station
Processing facility for:	Sorority house
Animals (includes skins, hides, or reduction of Animal matter)	Sporting goods sales
Animal products	Stadium/racetrack ⁽¹⁾
Lumber	Stained glass studio
Metal (anodizing, buffing, galvanizing, plating, polishing)	Stationery store
Raw materials	Stock and bond broker
Timber	Storage shed sales
Product research and development	Surgery center
Propane facility	Swim club
Propane sales	Swimming pool sales
Public transportation facility	Tailor
Radio station	Tanning salon
Real estate	Tattoo establishment

FORT WAYNE ZONING ORDINANCE

(C) Special Uses

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

- (1) **Commercial communication tower** (see §157.503(D)(3)(a) for additional standards);
- ~~(2) **Group residential facility (large) (if adjacent to a residential district);**~~
- ~~(3)~~(2) **Illuminated recreation field** (if **adjacent** to a **residential district**);
- ~~(4)~~(3) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- ~~(5)~~(4) **Open use of land** (not otherwise permitted);
- ~~(6)~~(5) **Parking or outdoor display area, gravel** (not otherwise permitted);
- ~~(7)~~(6) **Residential re-entry facility** ~~for a court-ordered re-entry program~~;
- ~~(8)~~(7) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
- ~~(9)~~(8) **Sawmill**;
- ~~(10)~~(9) **Sign** (temporary **subdivision** direction);
- ~~(11)~~(10) **Solar panel (ground-mounted)**;
- ~~(12)~~(11) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
- ~~(13)~~(12) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).

FORT WAYNE ZONING ORDINANCE

MINIMUM OFF-STREET PARKING REQUIREMENTS (see the table below for specific use additional stacking space standards)	
Use	Parking Standard (spaces per measurement type)
Addiction Treatment Center	<u>1 per 400 square feet</u>
Animal service	1 per 400 square feet
Assisted living facility	1 per 3 sleeping rooms
Athletic field (indoor)	1 per 6 seats
Athletic field (outdoor)	30 per field
Auditorium	1 per 400 square feet
Automobile service	1 per 400 square feet
Bed and breakfast	1 per sleeping room
Business service	1 per 400 square feet
Campus housing (off-site)	1 per 3 sleeping rooms
Detoxification facility	<u>1 per 400 square feet</u>
Educational institution (business school, college, medical training, university, or similar post-secondary use)	1 per 400 square feet
Golf course	4 per golf hole
Group residential facility, FHAA (large)	1 per 3 sleeping rooms
Group residential facility, FHAA (small)	<u>1 per dwelling unit</u>
Hotel	1 per sleeping room
Industrial	1 per 1,000 square feet, or 1 per employee at largest shift (whichever is less; however, a minimum of 3 spaces shall be provided)
Instruction/training	1 per 400 square feet
Library	1 per 400 square feet
Live-work unit	1 per 400 square feet
Medical office	1 per 400 square feet
Mixed-use project (uses with different parking requirements)	The greatest number of spaces required by any individual use
Motel	1 per sleeping room
Multiple family	1 per 1-2 bedroom dwelling unit 2 per 3+ bedroom dwelling unit 1 per dwelling unit (UC district only)
Multiple tenant nonresidential building	1 per 400 square feet (regardless of individual uses)
Museum	1 per 400 square feet
Nursing home	1 per 3 sleeping rooms
Personal service	1 per 400 square feet
Professional office	1 per 400 square feet
Recreation/tourism, limited	1 per 400 square feet
Recreation, general	1 per 400 square feet, plus 1 per 400 square feet of developed outdoor facilities
Restaurant	1 per 400 square feet
Retail	1 per 400 square feet
Retirement facility	1 per dwelling unit
Self-storage	1 per 400 square feet of office
Single family	1 per dwelling unit
Stadium/racetrack	1 per 6 seats
Studio	1 per 400 square feet
Theater (indoor)	1 per 6 seats
Treatment center	<u>1 per 400 square feet</u>
Two family	1 per dwelling unit

FORT WAYNE ZONING ORDINANCE

- (I) In the Areas established within the **Airport Overlay Districts**, in addition to the **special uses** set forth in §157.503(D), the following **uses** shall require approval of a **special use** from the **Board of Zoning Appeals**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

TABLE 3 – AIRPORT OVERLAY DISTRICT SPECIAL USES	
Area 1 and Area 2	Area 3
Assisted living facility	Manufactured home park
Arena	Recycling collection point
Batting cages	
Campus housing	Area 4
Country club	Arena
Day care center	Batting cages
Fireworks sales	Fireworks sales
Fuel storage facility	Fuel storage facility
Gas station	Golf course (including driving range)
Golf course (including driving range)	Hospital
Group residential facility, FHAA (large)	Manufactured home park
Group residential facility, FHAA (small) (Area 1 only)	
Hospital	Propane/bottled gas facility
Hotel	Recreational uses, outdoor
Manufactured home park	Recycling collection point
Motel	Stadium/racetrack
Multiple family complex	Subdivision plat
Multiple family dwelling	Swim club (outdoor)
Museum	Theater (outdoor)
Park/recreation area	Tennis club (outdoor)
Propane/bottled gas facility	
Radio station	Area 5
Recreational uses, outdoor	Manufactured home park
Recycling collection point	
Religious institution	
Residential facility for the developmentally disabled	
Residential facility for the mentally ill	
Retirement facility	
Salvage yard	
Single family dwelling (Area 1 only)	
Solid waste transfer station	
Stadium/racetrack	
Subdivision plat	
Swim club (outdoor)	
Television station	
Tennis club (outdoor)	
Theater (outdoor)	
Truck fueling station	

FORT WAYNE ZONING ORDINANCE

ADMINISTRATION

§ 157.501 PURPOSE

The purpose of this section is to:

- (A) Provide for the administration and enforcement of the provisions of this ordinance;
- (B) Set forth general standards, procedures, and requirements for the review, consideration, and issuance of **Improvement Location Permits** and **Certificates of Compliance**; and
- (C) Establish standards, procedures, and requirements for **violations** and penalties.

§ 157.502 PLANNING AND ZONING BODIES

(A) Zoning Administrator

(1) Authorization

The Common Council has authorized the creation of a **Zoning Administrator** for the administration and enforcement of this ordinance. All references in this ordinance to the **Zoning Administrator** shall include any **DPS** or zoning enforcement officers designated by the **Zoning Administrator**.

(2) Powers and Duties

The **Zoning Administrator** shall be responsible for:

- (a) Making all determinations, interpretations, and decisions necessary to carry out the provisions and requirements of this ordinance, or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (b) Determining if a **violation** of this ordinance exists, and how the provisions and requirements of this ordinance shall be applied and enforced (in conjunction with the Department of Neighborhood Code Enforcement); and
- (c) Issuing or causing to be issued all Site Plan Review decisions, **Improvement Location Permits**, **Certificates of Compliance**, and **Certificates of Use** required under this ordinance.
- (d) Approving reasonable accommodations or modifications that the Zoning Administrator determines to be necessary for compliance with the federal Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act of 1991, or with federal regulations promulgated pursuant to those Acts, as either of those Acts or their related regulations have been interpreted by the courts from time to time.

(3) Exceptions

The following exceptions shall apply in the situations noted below.

- (a) In cases where this ordinance requires a public hearing to be held on a **Plan Commission Development** Plan application, the **Plan Commission** hereby establishes that the project may be reviewed and acted on by a committee of the **Commission** without a public hearing if the **Zoning Administrator** determines that the proposed project does not warrant a public hearing due to: substantial conformance with a previously approved primary **Development** Plan, or lack of impact on **adjacent** properties.

FORT WAYNE ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Gas station	C2 and NC (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 DE, I1 and I2
Golf course	R1, R2, R3, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large)⁽¹⁾	AR, R1, R2, R3, RP, MHS, DC, DE and UC
Group residential facility (large) (if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Group residential facility (small)	DC, DE and UC
Growing/processing/raising of natural products	I1
Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)	R1, R2, R3, RP, and MHS
Home business ⁽²⁾	AR, R1, R2, R3, RP, MHS and DC
Home business (in an existing single family detached dwelling only) ⁽²⁾	C1, C2, NC, SC, C3, C4, DE, and UC
Home enterprise ⁽²⁾	AR
Home workshop ⁽²⁾	AR
Homeless shelter (accessory to a religious institution , for up to eight (8) individuals)	AR, R1, R2, R3, RP and MHS
Homeless shelter (accessory to a religious institution)	DC, DE and UC
Homeless shelter (if adjacent to a residential district or accessory to a religious institution)	C1, C2, NC, SC, C3 and C4
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⁾	AR, R1, R2, R3, RP, C1, C2, NC, SC, C3, C4, DE and UC
Medical office (transitional use)	R1, R2, R3, RP and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, R1, R2, R3, RP and MHS
Model unit (for an extension of time or expansion of scope)	DC and DE
Motor vehicle storage yard	I2
Museum	R1, R2, R3, RP and MHS
Nature preserve (that includes a structure or parking area)	AR, R1, R2, R3, RP, MHS, DE and UC
Neighborhood facility	AR, R1, R2, R3, RP and MHS
Nonconforming use (expansion of existing nonconforming use , or allow conforming status to existing use ; 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 and I3
Open use of land (not otherwise permitted)	I3

FORT WAYNE ZONING ORDINANCE

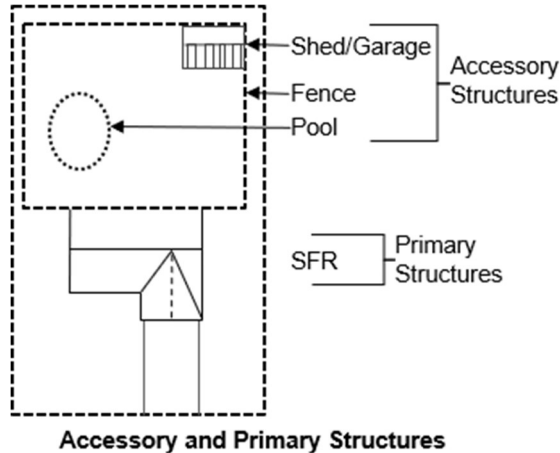
SPECIAL USES	
Special Use	District(s) Where Allowed
Outdoor use (in conjunction with a permitted primary use)	C2 and NC
Parking area (as a primary use, a special use shall not be required for a universally permitted off-site parking area)	C1
Parking area (as a primary use, if adjacent to a residential district, a special use shall not be required for a universally permitted off-site parking area)	C2, NC, SC, C3, C4, I1 and I2
Parking or outdoor display area, gravel (not otherwise permitted)	I2 and I3
Parking structures (public or private)	DC, DE and UC
Pawn shop	DC and DE
Personal service (transitional use , excluding copy/duplicating service, health club/fitness center, or social service agency)	R1, R2, R3, RP and MHS
Plant nursery	C2, NC and SC
Processing facility (small scale)	I1
Professional office/business service (transitional use , excluding bank, credit union, loan office, or savings and loan)	R1, R2, R3, RP and MHS
Reception, meeting, or recreation hall; clubhouse	AR
Recreation area	AR
Recreation area (including accessory recreation areas)	C2, NC, SC and UC
Recreation facility	AR
Recreation facility (if adjacent to a residential district)	C2, NC and SC
Recreation use , outdoor (amusement park, go-cart facility, stadium/race track, and water park, only; if adjacent to a residential district)	C3 and C4
Recreation use , outdoor (athletic field, riding stable, swim club, tennis club)	R1, R2, R3, RP, MHS and C1
Religious institution or non-public school illuminated athletic field(s)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, DC, DE and UC
Residential <u>re-entry</u> facility for a court-ordered re-entry program	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, I1, I2 and I3
Residential facility for homeless individuals (for up to eight (8) individuals)	AR, R1, R2, R3, RP, MHS, DC, DE and UC
Residential facility for homeless individuals (for up to eight (8) individuals, if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Retail (art gallery, bakery goods, coffee shop , candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich shop, tea room)	C1
Riding stable, nonresidential	AR
Salvage yard (outdoor)	I2
Sawmill	I2 and I3
Self-service storage (mini-warehouse) facility (as a primary use)	DC
Sheet metal fabrication and/or processing	I1
Shooting range (indoor)	C2 and SC
Shooting range (outdoor)	C4

FORT WAYNE ZONING ORDINANCE

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**;
- (4) Contributes to the convenience or necessity of the occupants of the **primary building** or **use**; and
- (5) Is a permitted use in the applicable zoning district.

Addiction Treatment Center

An outpatient facility engaged in dispensing medications approved by the federal government, including but not limited to Methadone (dolphine), for the purpose of elimination or reduction of addiction to opiates or other substances illegal under federal or Indiana law. This use includes medication-assisted treatment centers, which also provide counseling, behavioral therapies, and/or peer support in addition to federally approved medications for purposes of eliminating or reducing such addiction. This use shall include an indoor waiting and departure area and restroom facilities sufficient to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Overnight patient stays shall not be permitted as a part of this use.

Addition

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

FORT WAYNE ZONING ORDINANCE

Assisted Living Facility

A residential establishment or institution ~~other than a hospital or nursing home~~ that provides living accommodations and assistance with daily living activities, and that may also provide limited medical assistance not requiring the services of a hospital or nursing home. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Athletic Fields

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed fields, **arena/stadiums**, and appropriate support facilities.

Auction Hall

A place where objects of art, furniture, and other goods, not including **automobiles**, motorcycles, watercraft, and trucks are offered for sale to **persons** who bid on the object in competition with each other.

Automatic Teller Machine (ATM)

A mechanized device that provides banking and other electronic services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

Automobile

A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

Automobile Body Shop

A facility that provides painting and collision repair services, including body frame straightening or alignment, disassembly or replacement of damaged body parts, complete body painting services, welding services, complete wreck rebuilding, and frame repair services.

Automobile Detailing/Trim Shop

A facility that provides automotive-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as **automobile** alarms, headlight covers, spoilers, sunroofs, tinting, and similar items. However, engine degreasing or similar **automobile** cleaning services shall not be included under this definition.

Automobile Maintenance (Quick Service)

A facility that provides engine tune-ups and servicing of brakes, air conditioning, exhaust systems, oil change or lubrication; wheel alignment or balancing; or similar servicing, rebuilding or repairs that normally do not require **significant** disassembly of **automobiles**, or overnight **storage** of **automobiles**.

Automobile Rental

Rental of **automobiles** and light trucks (1 ton or less) only, including **storage**, detailing, and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

Automobile Repair

A facility that provides general **automobile service**, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **automobiles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

FORT WAYNE ZONING ORDINANCE

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**.

Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A **mixed-use building** that contains both residential and **nonresidential uses** is a **nonresidential building**. Any institutional **use**, other than a **small-group residential facility, FHAA (large or small)**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital, university, religious institution, or school**, is a **nonresidential use**.

FORT WAYNE ZONING ORDINANCE

Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-tenant **buildings** shall also be permitted. In calculating the square footage of a residential **primary building**, all enclosed areas, including attics, basements, and attached **garages**, shall be included.

Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family**, two **family**, or **multiple family dwelling** units) or a **small-group residential facility**, **FHAA (large or small)**.

Building, Semi-Detached

A main **building** having one **wall** in common with an **adjacent** main **building**.

Building Bay

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

Building Department

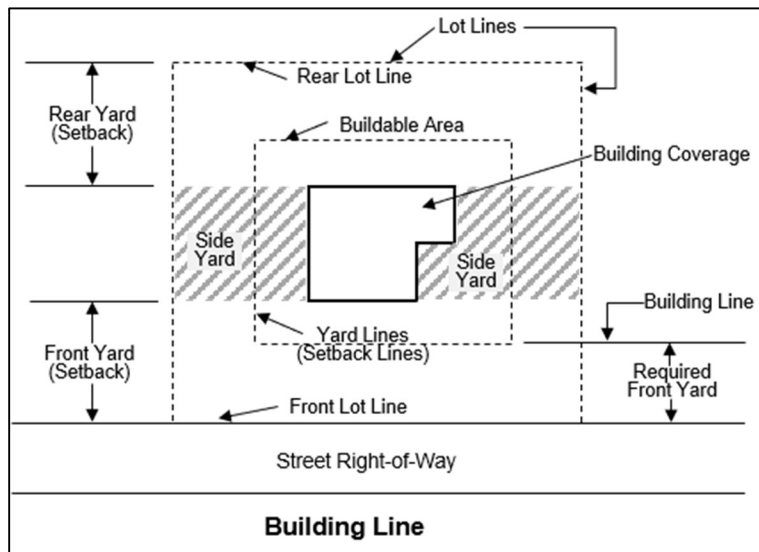
The Allen County Building Department.

Building Height

The vertical distance measured from the ground level immediately **adjacent** to the primary front entrance to the highest point of the roof or **structure**.

Building Line, Front

A line with a fixed location parallel to the front **street** line as determined by this ordinance or recorded deed restrictions, beyond which the foundation **wall** and/or any enclosed **porch**, vestibule, or other portion of a **building** shall not project. A **front building line** may be established by a **subdivision plat** or by the **zoning ordinance**.



FORT WAYNE ZONING ORDINANCE

Corner Visibility Area

The following areas, in which no **fence**, **retaining wall**, **hedge**, or other planting, **building**, or **structure** that would impede vision between a height of three (3) and eight (8) feet shall be located, except that this restriction shall not apply to **buildings** in the DC district:

- (1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.
- (2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

Corporate Campus

A **building** or **buildings** in close proximity to each other, either **adjacent** or connected with centralized amenities, parking, support, and other internal functions. The **buildings** are intended to have quality architectural and site design features.

Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a **correctional services facility** or a **residential re-entry facility** ~~for a court-ordered re-entry program~~.

Correctional Services Facility

A facility providing services other than confinement for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

Country Club

An establishment typically associated with a **golf course** that is intended as a place of social and recreational gatherings for members of a **private club**.

County

Allen **County**, Indiana.

Credit Union

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**.

Crematory

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

Critical Facility (see Floodplain regulations - §157.412(B), Definitions)

Customer Service Facility

A facility, other than a retail store, operated by a public or **private utility**, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Dance Hall

An enclosed **structure** used for dancing or similar social gatherings. Any **use** that falls under the definition of **sexually oriented business** shall not be included under this definition.

Dance Studio

Any **school** of dancing or any place in which dancing of any type of style shall be taught.

FORT WAYNE ZONING ORDINANCE

Detoxification Facility

An inpatient medical care facility where individuals suffering from substance abuse receive round-the-clock or daily medical care and oversight from licensed physicians and nurses, and from which they may be released to their residence or referred to a **Group Residential Facility, FHAA (Large or Small)**, for continued residential treatment for substance abuse. Overnight patient stays shall be permitted as a part of this use but shall not exceed 45 days.

Developer

Any **person** who **subdivides** land or erects or alters **buildings** or improvements on land.

Development

Any change or improvement to land brought about by human activity.

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

Development Site

Land used or proposed to be used for **development**, consisting of either a single **lot** or multiple contiguous **lots**. The **Zoning Administrator** may also determine other property configurations to be a **development site**.

Developmental Disability

A severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);
- (2) Is manifested before the individual is 22 years of age;
- (3) Is likely to continue indefinitely;
- (4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
- (5) Results in substantial limitation in at least three of the following:
 - (a) self-care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self-direction;
 - (f) capacity for independent living; and
 - (g) economic self-sufficiency.

Developmentally Disabled Individual

An individual who has a **developmental disability**.

Distillery

A facility where distilling, typically of alcoholic liquors, is done.

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand-alone facility or in conjunction with a **brewery** or winery. Annual production will typically not exceed 10,000 barrels per year.

FORT WAYNE ZONING ORDINANCE

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** that does not meet the definition of a group residential facility, FHAA (large), and that is used for occupancy by:

(1) three (3) or more families living independently of each other

(2) more than eight (8) unrelated individuals sharing a single housekeeping unit.

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

Dwelling Unit, Residential

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

Dwelling Unit, Efficiency

A **dwelling** unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

FORT WAYNE ZONING ORDINANCE

Façade Renovation, Minor

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

Façade, Secondary

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

Fair Housing Amendments Act of 1988 (FHAA)

The Fair Housing Amendments Act of 1988 (FHAA), as amended and as interpreted by the courts, which prohibits discrimination on the basis of race, color, national origin, religion, sex, family status, or disability in housing sales, rentals, or financing. These categories are considered protected classes by the FHAA.

Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and **outdoor display**/staging areas.

Family

One or more ~~individuals~~ **persons** occupying a single **dwelling** unit and living as a single housekeeping unit (as distinguished from a group occupying a **boarding house**, **club**, **hotel**, **nursing home**, rooming house, **fraternity** or **sorority house**, off-site **campus housing**, **residential re-entry facility** ~~serving individuals under a court-ordered re-entry program~~, **residential facility for homeless individuals**, or similar living situation), where all the ~~individuals~~ **persons** are related by blood, marriage, ~~or~~ adoption, ~~or~~ **guardianship**. If all of the ~~individuals~~ **persons** occupying a single **dwelling** unit are not related by blood, marriage, ~~or~~ adoption, ~~or~~ **guardianship** then no more than eight (8) ~~individuals~~ **persons** may occupy a single **dwelling** unit. If all of the members of a household are not related by blood, marriage, or adoption, then a **use** with more than eight (8) **persons** occupying a single **dwelling** unit shall not be considered a **single family use**.

Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Federal Aviation Administration (FAA) (see Airport Overlay District definitions)

Federal Aviation Regulations (FAR) (see Airport Overlay District definitions)

Fee

The charge for an application or other service as established by the **Fort Wayne Plan Commission** or other entities of Fort Wayne duly authorized to establish **fees**.

Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

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

FORT WAYNE ZONING ORDINANCE

Group Residential Facility, FHAA (Large)

A residential facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

- (1) a residential facility for individuals who are developmentally disabled or mentally ill, or
- (2) other residential facility if the facility houses more than eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

- (1) homeless individuals or
- (2) individuals participating in a **residential re-entry facility** for purposes other than treatment for drug or alcohol abuse.

Group Residential Facility, FHAA (Small)

A residential facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

- (1) a residential facility for individuals who are developmentally disabled or mentally ill or
- (2) other residential facility that houses up to eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

- (1) homeless individuals, or
- (2) individuals participating in a residential re-entry facility for purposes other than treatment of drug or alcohol abuse.

Group Residential Facility (Large)

~~A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled or mentally ill**, or other similar **residential facility** if the facility houses more than eight (8) individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A large **group residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **group residential facility for mentally ill individuals**.~~

Group Residential Facility (Small)

~~A facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled or mentally ill** or any other **residential facility** that houses up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **residential facility for mentally ill individuals**.~~

Growth (see Airport Overlay District definitions)

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

Hazard Marking and Lighting (see Airport Overlay District definitions)

FORT WAYNE ZONING ORDINANCE

Medical 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, ophthalmologist, optician, optometrist, physical therapy facility, podiatrist, sleep disorder facility and surgery center.

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder or other disability that:

- (1) Substantially disturbs an individual's thinking, feeling, or behavior; ~~and/or~~
 - (2) Impairs the individual's ability to function; ~~or-~~
 - (3) Is considered a disability by Indiana Code, the federal Fair Housing Amendment Act of 1988 (FHAA), or the Americans with Disabilities Act of 1991, or with federal regulations promulgated pursuant to those Acts, as any of those codes or acts or their regulations have interpreted by the courts; or
 - (2)(4) Addiction to narcotics, stimulants, cannabis, alcohol, and other substances.
- ~~The term includes alcoholism, and addiction to narcotics or dangerous drugs.~~

Mentally Ill Individual

An individual with mental illness ~~who:~~

~~Has a psychiatric disorder that substantially impairs the individual's mental health; and~~
~~Requires care, treatment, training or detention:~~
~~Because of the psychiatric disorder; or~~
~~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

Nightclub

An establishment dispensing liquor and meals in which music, dancing, or entertainment is provided. Any establishment that meets the definition of **sexually oriented business** is not included under this definition.

Nits

A **nit** is a photometric unit equivalent to one cd/m² (**candela** per square meter).

Noise Impact (see Airport Overlay District definitions)

Nonconforming Building/Structure

An existing **building** or **structure** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **building** or **structure** is located.

Nonconforming Use

A **use** of land, or of a **building** or **structure**, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **use** is located.

Nonresidential District

The C1, C2, NC, SC, C3, C4, DC, DE, UC, **BTI**, I1, I2, and I3 **zoning districts**.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 (see Floodplain regulations - §157.412(B), Definitions)

Nursery School (see “Preschool”)

Nursing Home

A facility licensed by the State Board of Health that provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm **persons** requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records; overnight patient stays shall be permitted as part of this **use**. A convalescent home, ~~health and rehabilitation center~~, and rest home, if meeting the above criteria, shall also be included under this definition.

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

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

Occupied Space

The total area of earth horizontally covered by a **manufactured home**, excluding accessory appendages such as but not limited to **garages**, **patios**, breezeways, and **porches**.

Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

One-Percent Annual Chance Flood (see Floodplain regulations - §157.412(B), Definitions)

FORT WAYNE ZONING ORDINANCE

Professional Office/Business Service

An establishment where the business of a commercial/professional organization or a professional **person** is conducted, or which engages in providing services to such an organization or **person**, including accountant, advertising, answering service, appraiser, architect, attorney, auction service, **bank**, bookkeeping service, broker, **credit union**, data processing facility, data storage facility, **engineer**, foundation office, graphic design service, insurance agency, interior design service, internet/web site service, **land surveyor**, **loan office**, marketing agency, mortgage service, planner, realtor, **savings and loan**, stock and **bond** broker, tax consulting, and title company.

Protected Class

The federal Fair Housing Amendments Act, which is the federal law governing housing discrimination, includes the following seven **protected classes**: race, color, religion, national origin, sex, disability, and familial status.

Public Freshwater Lake (see Floodplain regulations - §157.412(B), Definitions)

Public Park (see “Park or Recreation Area, Public”)

Public Sewer Facility

A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC). This shall not include a package treatment or similar private sewer facility.

Public Utility

A firm, corporation, municipal department or **board** duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

Public Water Facility

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-public utility.

Public Works Use, Temporary

The **temporary use** of a **structure** or **parcel** of land for purposes of preparing for or completing a public construction project, or for storing materials or equipment related to the construction project inside or outside an enclosed **building**.

Radio Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music and other related media.

Radio Tower (Amateur)

A tower or other **structure** to support a transmitting/receiving antenna for an amateur radio activity.

Reasonable Accommodation or Modification

A request that the City provide “reasonable accommodation” or “reasonable modifications” to the provisions of this Zoning Code pursuant to the federal Fair Housing Amendments Act of 1988 ,that has been approved by the City pursuant to Sec. 157.115(C) or the Americans with Disabilities Act of 1991.

Reception Hall

A facility in which the primary function is hosting special occasion events at which food and beverages are served to groups of people, with facilities for the refrigeration and heating of food.

FORT WAYNE ZONING ORDINANCE

Regulatory Flood (see Floodplain regulations - §157.412(B), Definitions)

Rehabilitation Facility

An inpatient facility that provides skilled nursing care and intensive rehabilitative services, as well as round-the-clock medical care or oversight, for individuals who have been released from a hospital or medical facility after treatment for an injury, surgery, or medical procedure to allow continued recovery at lower cost than a hospital before returning to their residence. Overnight patient stays shall be permitted as part of this use. This definition shall not include detoxification facility.

Rehabilitation/Renovation

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

Religious Institution

A **structure** or place in which worship, ceremonies, rituals, and **education** pertaining to a particular system of beliefs are held, together with its **accessory buildings and uses** (including **buildings** used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. **Accessory buildings, structures, or uses** may include athletic/recreation fields (non-illuminated); assembly **buildings** (including gymnasiums); clothing or food banks; **convents**/parsonage/rectories or similar residences; **day care**; counseling or **education**; **school** facilities; parking; or caretaker's housing. Examples include **churches, mosques, synagogues, temples**, or other places of worship.

Rental and Leasing Store

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a **building**.

Research and Development Facility

A facility including research, synthesis, analysis, **development** and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient or necessary to the conduct of those activities.

Research and Scientific Laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**.

Residential Condominium Development

A residential **development** created as a horizontal property regime (pursuant to IC 32-25 et. seq., as may be amended) where each **dwelling** unit is owned or financed by the occupant or occupant's lessor, but in which the **common areas**, facilities, and underlying land is owned jointly by all the **owners** on a proportional, undivided basis.

Residential District

The AR, R1, R2, R3, RP, MHS, and MHP **zoning districts**.

FORT WAYNE ZONING ORDINANCE

Residential Re-entry Facility ~~for a Court-ordered Re-entry Program~~

A facility providing housing for individuals under a program authorized by a local, State, or Federal ordinance, code or statute for persons who previously resided in a correctional or other similar institutional setting for re-entry into a non-institutional housing setting ~~court~~. This **use** shall include overnight stays but ; this use shall not be considered ~~to be a~~ **correctional services facility** or a **correctional institution**. A facility providing housing for individuals under a program authorized by a local, State, or Federal ordinance, code or statute for treatment of drug or alcohol abuse or addiction shall be considered a group residential facility, FHAA (large or small).

Residential Facility for Developmentally Disabled Individuals

~~A type of Small Group Residential Facility providing housing for up to than eight (8) **developmentally disabled individuals** (exclusive of supervisory staff, councilors or resident managers); operated under a program authorized and licensed by the State.~~

Residential Facility for Homeless Individuals

A facility providing housing for up to eight (8) homeless individuals (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility for Mentally Ill Individuals

~~A type of Small Group Residential Facility providing housing for up to eight (8) **mentally ill individuals** (exclusive of supervisory staff, counselors, or resident managers).~~

Residential Facility (Other)

~~A facility providing housing for up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the Fair Housing Act.~~

Residential Zoning District (see “Residential District”)

Restaurant

An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal **building**, with or without **drive-through facilities**.

Restoration

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

Retail Facility, Multiple Tenant

A **single multiple tenant** retail **building** located on a **development site** or **shopping center outlot**.

Retail Facility, Single Tenant

A stand-alone, **single tenant retail facility** on its own **development site**. Accessory space may be rented or leased within the **building** provided a separate outdoor entrance is not provided. This definition shall not include home improvement centers.

Retaining Wall

Any **fence** or **wall** built or designed to retain or restrain lateral forces of soil or other materials.

FORT WAYNE ZONING ORDINANCE

Treatment Center

An outpatient facility for the treatment, therapy, or counseling of individuals for on-site drug, mental illness health, or drug addiction~~psychiatric treatment, therapy, or counseling of individuals~~. Overnight patient stays shall not be permitted as part of this use. This definition shall not include addiction treatment center.

Trellis

A **structure** of open latticework, typically used as a support for vines and other plants.

Truck Depot/Terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck **storage**, maintenance, and administrative offices.

Truck Fueling Station

A facility where gas and other supplies are sold, where the gas dispensing facilities are designed to primarily service semi-trailer or tractor trailer truck vehicles. A **truck fueling station** would not offer **accessory uses** such as overnight accommodations, shower facilities, or **restaurant** facilities. A **truck fueling station** may include a **convenience store**. For the purposes of determining permitted **uses**, a compressed natural gas fueling station shall be considered a **truck fueling station**.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. A **truck stop** may also include overnight accommodations, showers and **restaurant** facilities primarily for the **use** of truck crews.

Universally Permitted Use

Universally permitted uses are land **uses** that are permitted in any **zoning district** within Fort Wayne's **planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (2) an **open fence** of up to four (4) feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein, in conjunction with a vacant **lot**, or an existing proposed **primary use parking area**;
- (3) a fire station, **police station**, other similar public safety **use**, or other publicly-owned **building** supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private non-profit), excluding **parking areas** or **structures** available for public **use**;
- (5) an **off-site parking area** for a **religious institution** or a **school**, if located directly across an **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including **parking areas**, and **structures**;
- (7) a private garden (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (8) a **religious institution**; and

FORT WAYNE ZONING ORDINANCE

- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

Unrelated Persons

Two (2) or more **persons** occupying a **single dwelling unit** who are not related by blood, marriage or adoption.

Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

Use, Nonconforming (see “Nonconforming Use”)

Use, Nonresidential

A commercial, industrial, or institutional **use**, including educational and **religious institutions**, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within **building(s)** or **structure(s)** or on a **lot**, **tract**, or **development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for ~~group residential facility, FHAA (small) residential facilities for the developmentally disabled or mentally ill, or a residential facility (other)~~, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, **structures**, or other facilities used or intended to be used by any **private utility** other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Department of Planning Services
 Zoning Ordinance Amendment Application

Project Name

Applicant

Address

City

 State

Telephone

 Zip

Email

☐ Allen County Planning Jurisdiction
 ☐ City of Fort Wayne Planning Jurisdiction

☐ Other



Proposed Effective Date

Legislative Body

Brief Description of Zoning Ordinance Amendment
(Please attach full amendment document)

 Signature of Applicant
 Printed Name
 Date