

1 #ZORD-2025-0017

2 BILL NO. G-26-01-08

3 4 ORDINANCE NO. Z-\_\_\_\_\_

5 6 AN ORDINANCE amending Chapter 157  
7 of the City of Fort Wayne Municipal Code

8 9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
10 INDIANA:

11 12 SECTION 1. That the current Chapter 157, Section 157.100 (General Provisions); Section  
13 14 157.200 (Zoning Districts); Section 157.400 (Additional General Standards); Section 157.500  
15 16 (Administration) are hereby amended as follows.

17 18 19 Amendment SU 1 - § 157.212 (C) et al  
20 Indiana limits local jurisdiction input on location of Commercial Communication Towers;  
21 Therefore the Commercial Communications Tower Special Use in, C1, C2, NC, SC, C3, C4,  
22 BTI, I1, I2, and I3 zoning districts are removed.

23 24 25 Amendment SPR 1 - § 157.302 (B)  
26 It is unclear when a Site Plan Review is required for a Commercial Communication Tower;  
27 Therefore "New freestanding commercial communication tower, substantial modification of  
28 an existing freestanding commercial communication tower, and building mounted  
29 commercial communication tower that exceeds height limits" were added to the Site Plan  
30 Review section of the zoning ordinance.

31 32 33 Amendment SC 1 - § 157.303(C)(2)  
34 It is unclear what the standards are for a Commercial Communication Tower parcel;  
35 Therefore "A division of a parcel of land for the transfer of a parcel of land to be used for a  
36 Commercial Communication Tower." Was added to the Exempt Divisions of Land section of  
37 the zoning ordinance.

38 39 40 Amendment DDS 1 - § 157.404 (B)  
41 It is unclear what the design standards are for a Commercial Communication Tower;  
42 Therefore a Commercial Communication Tower Section was added to the Development  
43 Design Standards.

44 45 46 Amendment DDS 2 - § 157.404 (Z)  
47 It is unclear what the design standards are for a Commercial Communication Tower;  
48 Therefore the following was added:  
49 50 51 (a) Tower setback requirements shall be determined by the fall zone details that  
52 specify the area in which the wireless support structure is designed to  
53 collapse; these must include engineering certification for the wireless  
54 support structure.  
55 (b) Gravel surface area is permitted for access, drive, ground equipment area,  
56 parking, and turn-around areas only.  
57 (c) Any compound and ground-equipment area shall be screened with a  
58 minimum 6 foot tall solid fence; if barb wire fencing is proposed as a part of  
59 the compound area adjacent to residential districts, it shall be permitted if an

1 additional solid fence surrounds the barb wire fenced area and the height of  
2 the barb wire does not exceed the height of the exterior solid fence.  
3 (d) Parcel area shall include the fall zone area.  
4 (e) See (Roadway Easements) for additional access restrictions for any parcel  
5 created which does not have the required minimum lot width on an improved  
6 public street."

7 Additionally, a process table was added to the Commercial Communication Tower Section of  
8 the Development Design Standards.

9 Amendment DSWE 1 - § 157.503 (B)(10)

10 It is unclear when a Certificate of Use is required for a Commercial Communication Tower;  
11 Therefore "A non-substantial modification of an existing freestanding commercial  
12 communication tower and a building mounted commercial communication tower that does  
13 not exceed height limits which do not otherwise require an Improvement Location Permit  
shall require a Certificate of Use" was added to the Certificate of Use section of the zoning  
ordinance.

14 Amendment PRO 1 - § 157.503 (B)(10)

15 It is unclear when a Certificate of Use is required for a Commercial Communication Tower;  
16 Therefore "A non-substantial modification of an existing freestanding commercial  
17 communication tower and a building mounted commercial communication tower that does  
18 not exceed height limits which do not otherwise require an Improvement Location Permit  
shall require a Certificate of Use" was added to the Certificate of Use section of the zoning  
ordinance.

19 Amendment PRO 2 - §157.503 (D)(1)

20 Special Use Zoning Districts in the Special Uses Table need to be updated;  
21 Therefore the special use table was updated by elimination of "commercial communication  
22 towers."

23 Amendment PRO 3 - § 157.503(D)(3)(a)

24 Landscaping and parking standards are part of current Special Use Standards and  
25 Provisions in the Special Use section of Procedures, therefore  
"For all Special Use options available, landscape standards and parking shall be as  
determined by the Board of Zoning Appeals in its approval." Was added to the Additional  
Special Use Standards and Provisions section of the zoning ordinance.

26 Amendment PRO 6 - § 157.503 (F)(1)

27 "The Board of Zoning Appeals may approve variances of use pursuant to IC 36-7-4-918.4 if  
28 the Board makes a written determination that:" was replaced with "Criteria for Approval of  
Use Variance: The Board of Zoning Appeals may approve variances of use pursuant to IC  
36-7-4-918.4 if the Board makes a written determination that" to the use variance section of  
the zoning ordinance.

29 Amendment PRO 7 - § 157.503 (F)(2)

30 To align the Use Variance section with the Special Use section, "For all Use Variance  
applications, landscape standards and parking shall be as determined by the Board of  
Zoning Appeals in its approval" was added to the use variance section of the zoning  
ordinance.

31 Amendment DEF 1 - § 157.506 (B)

32 The definition of "commercial communications tower" does not clarify certain mounting types  
33 of communications towers, therefore "Where permitted, commercial communications towers  
34 may be freestanding or building-mounted." was added to the definition of commercial  
35 communication tower.

1  
2 Amendment DEF 2 - § 157.506 (B)  
3 The universality of commercial communications towers is unclear in the zoning ordinance;  
4 therefore "commercial communications tower" was added to the list of universally permitted  
5 uses. A footnote was added to refer to additional design standards.

6  
7  
8 SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in  
9 full force and effect starting on April 8, 2026.

10  
11  
12 Council Member  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

---

APPROVED AS TO FORM AND LEGALITY:

---

Malak Heiny, City Attorney

**City of Fort Wayne Common Council**  
**DIGEST SHEET**

---

**Department of Planning Services**

Title of Ordinance: Zoning Ordinance Amendment  
Case Number: ZORD-2025-0017  
Bill Number: G-26-01-08  
Council District: All

---

Introduction Date: January 13, 2026

Plan Commission  
Public Hearing Date: January 12, 2026 (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 regarding  
commercial communication towers (cell towers) and procedures of the  
Board of Zoning Appeals (Chapter 157)

Location: Fort Wayne Planning Jurisdiction

Applicant: Department of Planning Services

---

Related Petitions: N/A

---

Effect of Passage: This set of amendments is proposed to:  
  
To align the Commercial Communication Tower process with State  
procedures and update other BZA Procedures for clarity and staff efficiency.

Effect of Non-Passage: The City of Fort Wayne Zoning Ordinance will be in violation of recently  
adopted legislation from the State of Indiana, and authority of the Board of  
Zoning Appeals will not be resolute.

# Memo

To: Fort Wayne Plan Commission  
From: Dave Schaab, Senior Land Use Planner – Special Projects Division  
Date: 11/10/2025  
Subject: 2025 Substantial Amendment B Initiation

---

The Department of Planning Services is requesting the Fort Wayne Plan Commission to initiate a set of substantial amendments for the Fort Wayne Zoning Ordinance. These proposed substantial amendments for the Fort Wayne Zoning Ordinance are to align the Commercial Communication Tower process with State procedures and update other BZA Procedures for clarity and staff efficiency.

If you have any follow up questions or comments, please feel free to reach out to me directly at [David.Schaab@allencounty.in.gov](mailto:David.Schaab@allencounty.in.gov). Thank you for your consideration.

## 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)(4) Community garden that includes a structure;~~
- ~~(6)(5) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted);~~
- ~~(7)(6) 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 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

### (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 maintenance (quick service);
- (2) ~~Commercial communication tower (see §157.503(D)(3)(a) for additional standards);~~
- (3) ~~(2) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted);~~
- (4) ~~(3) 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) ~~(4) Greenhouse (retail);~~
- (6) ~~(5) 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 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

### (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 maintenance (quick service);

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

~~(3)(2) Educational institution-associated uses~~ (on non-contiguous properties, not otherwise permitted);

~~(4)(3) 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)(4) Greenhouse~~ (retail);

~~(6)(5) 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 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

### (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 maintenance (quick service);
- (2) ~~Commercial communication tower (see §157.503(D)(3)(a) for additional standards);~~
- (3) ~~(2) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted);~~
- (4) ~~(3) Greenhouse (retail);~~
- (5) ~~(4) 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 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

### (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)(1) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted);~~
- ~~(3)(2) 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 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

### (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)(1) Educational institution-associated uses (on non-contiguous properties, not otherwise permitted);~~
- ~~(3)(2) 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 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

### (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)(1) Illuminated recreation field (if adjacent to a residential district);~~
- ~~(3)(2) Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use);~~
- ~~(4)(3) Sign (temporary subdivision direction);~~
- ~~(5)(4) Solar panel (ground-mounted);~~
- ~~(6)(5) Wind energy conversion system, micro (on land adjacent to a residential district, or to erect an additional micro system or systems); and~~
- ~~(7)(6) Wind energy conversion system, standard (on land of under two (2) acres, or on land adjacent to a residential district).~~

## FORT WAYNE ZONING ORDINANCE

### (C) Special Uses

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

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

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

- (4) ~~(3) 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 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

### (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) ~~(2) Fuel storage facility;~~
- (4) ~~(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**);

- (5) ~~(4) 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 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

### (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)(1) 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 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

### § 157.302 SITE PLAN REVIEW

#### (A) Purpose

The purpose of this section is to:

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

#### (B) When Required

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

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

**(3)(4) New freestanding commercial communication tower, substantial modification of an existing freestanding commercial communication tower, and building mounted commercial communication tower that exceeds height limits (see § 157.404 (Z)).**

#### (C) Exclusion

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

#### (D) Pre-Application Meetings

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

## FORT WAYNE ZONING ORDINANCE

(2) Exempt Divisions of Land

(a) Exempt Divisions

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

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

(b) Administrative Approval Required

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

## FORT WAYNE ZONING ORDINANCE

### (B) Applicability

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

<b>DEVELOPMENT DESIGN STANDARD APPLICABILITY</b>					
<b>Standard</b>	<b>Section</b>	<b>DP</b>	<b>SP</b>	<b>MJS</b>	<b>MNS</b>
Access	§157.404(D)	✓	✓	✓	✓
<b>Airport overlay districts</b>	§157.404(E)	✓	✓	✓	✓
<b>Block layout</b>	§157.404(F)			✓	
<b>Easements</b>	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape standards	§157.404(I)	✓	✓		
<b>Lot</b> standards	§157.404(J)			✓	✓
Natural site features	§157.404(K)	✓		✓	✓
Open space and <b>recreation</b> amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact <b>mitigation</b>	§157.404(O)	✓	✓		
Sanitary sewer	§157.404(P)	✓	✓	✓	✓
<b>Signs</b>	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
<b>Street</b> lighting	§157.404(T)	✓	✓	✓	
Vehicle circulation and <b>streets</b>	§157.404(U)	✓	✓	✓	✓
Water	§157.404(V)	✓	✓	✓	✓
<b>Zoning</b> district standards	§157.404(W)	✓	✓	✓	✓
• <b>Building</b> Separation					
• <b>Building</b> Size					
• Number of <b>Buildings</b> on a <b>Lot</b>					
• Height					
• <b>Lot</b> Area and Width					
• <b>Yard</b> Requirements					
• Zoning Overlay <b>Districts</b>					
<b>Design</b> standards (DC and DE)	§157.404(X)	✓	✓		
<b>Riverfront</b> overlay district (DC and DE)	§157.404(Y)	✓	✓		
<b>Commercial</b> <b>Communication</b> <b>Towers</b>	<u>§157.404(Z)</u>	✓	✓	✓	✓
<b>KEY</b>					
DP = Development Plan	SP = Site Plan	MJS = <b>Major Subdivision</b>	MNS = <b>Minor Subdivision</b>	✓ = Standard is applicable	

## FORT WAYNE ZONING ORDINANCE

- (iii) Parking structures shall be exempt from maximum parking requirements.
- (iv) Parking garage openings may remain unenclosed for ventilation.
- (v) Parking structures not integrated within the footprint of a new building for a permitted primary use shall require a Special Use approval. In addition to stand-alone parking structures meeting the requirements set forth in §157.404(X), the Board shall evaluate the request based on the following standards and guidelines:
  - [A] The stand-alone parking structure shall either be screened by architectural features or be compatible with one or more structures surrounding to the parking structure.
  - [B] The parking structure shall meet all applicable primary structure setbacks and height standards based on the underlying zoning district.
  - [C] If the setback is greater than zero, Parking Structure Landscaping Zoning Ordinance Standards are required.
- (o) Site Lighting
  - (i) The use of spotlights, floodlights, and searchlights shall be prohibited except for short-term events of up to seven (7) days.
- (p) Townhouse Complexes
  - (i) Townhouse units shall only be connected to other units on the sides of the unit (each unit shall have its own exterior front and rear **walls**).
  - (ii) No single **building** shall have more than ten (10) ground floor units.
  - (iii) Units shall not have garage doors facing public streets.
- (Y) Riverfront Overlay District

All development proposals shall also be subject to the applicable provisions of the Riverfront Overlay District as set forth in §157.410.
- (Z) Commercial Communication Tower
  - (a) Tower setback requirements shall be determined by the fall zone details that specify the area in which the wireless support structure is designed to collapse; these must include engineering certification for the wireless support structure.
  - (b) Gravel surface area is permitted for access, drive, ground equipment area, parking, and turn-around areas only.
  - (c) Any compound and ground-equipment area shall be screened with a minimum 6 foot tall solid fence; if barb wire fencing is proposed as a part of the compound area adjacent to residential districts, it shall be permitted if an additional solid fence surrounds the barb wire fenced area and the height of the barb wire does not exceed the height of the exterior solid fence.
  - (d) Parcel area shall include the fall zone area.
  - (e) See (Roadway Easements) for additional access restrictions for any parcel created which does not have the required minimum lot width on an improved public street.

## FORT WAYNE ZONING ORDINANCE

### § 157.405 DEVELOPMENT STANDARDS WAIVERS AND EXCEPTIONS

#### (A) Minor and Major Subdivisions

No **waiver** of design and **development** standards is permitted on an application for **Minor Subdivision** or **Major Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to §157.503(E), except that for a **Major Subdivision**, the **Plan Commission** may allow a reduced rear yard **setback** of no less than 15 feet for **lots** that are adjacent to common area.

#### (B) Development Plans

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

##### (1) Authority

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

##### (2) Exceptions

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

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

##### (3) Criteria

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

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

#### (C) Height Standards Exceptions

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

- (1) **Amateur radio towers/antennae** (freestanding or **building** mounted);
- (2) **Chimneys**;
- (2)(3) **Commercial Communication Tower**;
- (3)(4) **Fire or parapet walls**;
- (4)(5) **Flagpoles**;
- (5)(6) **Grain elevators**;

## FORT WAYNE ZONING ORDINANCE

(9) Certificate of Compliance

(a) After the issuance of an **Improvement Location Permit** for a **building or structure**, no occupancy or **use** of that **building or structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building or structure**. Upon the completion of the construction included with the issued **Improvement Location Permit**, the **DPS** staff shall take the following actions:

(i) If the construction is in full compliance with the requirements of this ordinance, the requested **Certificate of Compliance** shall be issued to the **Allen County Building Department**. However, if another review entity has placed a **condition** on the issuance of the **Certificate of Compliance** as a result of a **DPS** distribution for review, the issuance of the **Certificate of Compliance** may be delayed until the **conditions** of that reviewing entity are satisfied.

(ii) If the **Certificate of Compliance** cannot be issued, the **DPS** staff shall advise the applicant of the reason(s) the compliance cannot be issued. It shall be the applicant's or the designated project representative's responsibility to resolve all outstanding issues, provide any requested information, or schedule any required inspections. The requested **Certificate of Compliance** shall not be issued until all outstanding issues are adequately addressed.

(b) Any approved **Certificate of Compliance** may be revoked and declared void by the **Zoning Administrator** in the following situations:

(i) If a **Certificate of Compliance** was issued based on the acceptance of a letter of **commitment** for compliance on a future date that was not fulfilled as specified; or

(ii) If a **Certificate of Compliance** approving a certain **use** was issued and the **use** is no longer in compliance with the provisions of this ordinance.

(c) If the **Zoning Administrator** determines that any of the situations listed in subsection (9)(a)(ii) or (9)(b) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of noncompliance and establish a timeframe for the **use** to be brought into full compliance. If the construction, site, or **use** is not brought into compliance within the timeframe specified the **Certificate of Compliance** shall be revoked and declared void. A new application, filing **fee**, review and approval shall be required to obtain another **Certificate of Compliance**.

(10) Certificate of Use

In order for a landowner, tenant, or occupant to change any **use** of real estate to another **use** permitted in the **zoning district**, the landowner, tenant, or occupant shall apply for a **Certificate of Use**. The **Certificate of Use** shall certify only that the change in **use** of the real estate is permitted in the **zoning district** and complies with the **use** provisions of the applicable **zoning district**. A new outside **storage** area which does not otherwise require an **Improvement Location Permit** shall require a **Certificate of Use**. **A non-substantial modification of an existing freestanding commercial communication tower and a building mounted commercial communication tower that does not exceed height limits which do not otherwise require an Improvement Location Permit shall require a Certificate of Use (see § 157.404 (Z)).**

## FORT WAYNE ZONING ORDINANCE

### (D) Special Uses

#### (1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §157.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §157.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition, as set forth in §157.411(I) of the **Airport Overlay Districts** provisions, certain **uses** shall also require approval of a **special use**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

<b>SPECIAL USES</b>	
<b>Special Use</b>	<b>District(s) Where Allowed</b>
<b>Accessory building</b> , as a <b>primary building</b> , on a site of at least five (5) acres	AR
<b>Accessory dwelling unit</b> (freestanding)	AR, R1, R2, R3, RP, MHS, DE, and UC
<b>Airstrip/heliport</b> (for corporate or multiple <b>owner use</b> )	AR
<b>Animal keeping</b> (outdoor, small animal)	R1, R2, R3, RP, MHS, DC, DE and UC
<b>Animal service, indoor</b>	C1
<b>Automatic teller machine (ATM)</b> (stand-alone)	C1
<b>Automobile maintenance (quick service)</b>	C2, NC, and SC
<b>Automobile Service, General</b> (excluding <b>gas station uses</b> )	I1
<b>Bed and breakfast</b>	AR, R1, R2, R3, RP and MHS
<b>Boarding house</b>	AR, R1, R2, R3, RP, MHS and DE
<b>Child care home (class II)</b>	AR, R1, R2, R3, RP, MHS, DE and UC
<b>Club, private</b> <sup>(1)</sup>	R1, R2, R3, RP, MHS and C1
<b>Commercial communication tower</b> <sup>(2)</sup>	<del>C1, C2, NC, SC, C3, C4, BTI, I1, I2 and I3</del>
<b>Community facility</b> not otherwise permitted ( <b>transitional use</b> )	R1, R2, R3, RP and MHS
<b>Community garden</b> that includes a <b>structure</b>	AR, R1, R2, R3, RP, MHS, C1, DC, DE and UC
<b>Container home</b> <sup>(2)</sup>	AR, R1, R2, R3, RP, MHS, DE and UC
<b>Country club</b>	AR, R1, R2, R3, RP and MHS
<b>Educational institution</b> (not otherwise permitted)	AR, R1, R2, R3, RP and MHS <sup>(1)</sup>
<b>Educational institution</b> associated facilities, <b>uses</b> , and areas (on noncontiguous properties)	AR, R1, R2, R3, RP and MHS
<b>Educational institution</b> -associated uses (on non-contiguous properties, not otherwise permitted)	C1, C2, NC, SC, C3, C4, DE, and UC
<b>Emergency response facility (transitional use)</b>	R1, R2, R3, RP and MHS
Flood control improvement project/non-permitted <b>fill</b> , private	Any <b>district</b>
<b>Fraternity house</b>	DE and UC
<b>Fuel storage facility</b>	I2
<b>Funeral home</b>	AR, R1, R2, R3, RP and MHS

## FORT WAYNE ZONING ORDINANCE

### (2) Criteria for Approval of **Special Use**

In reviewing an application for any **special use**, the **Board** may consider the location and size of the **use**; the nature and intensity of the operations involved in or conducted in connection with it; and its site layout, including access provisions and parking requirements, and may approve a **special use** if the **Board** determines that:

- (a) The proposed **use** will not be unduly detrimental to the **use**, value, pattern of **development**, or growth of the surrounding area;
- (b) The location, size, intensity, site design, and operation of the proposed **use** will be compatible with the immediate area;
- (c) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (d) If the application is for one of the following listed **uses**, in addition to the criteria above, the **Board** shall also determine that the proposed **use** will not be injurious to the public health, safety, or welfare of the community:
  - (i) **Airstrip/heliport** (corporate/multiple **owner use**);
  - (ii) Arena;
  - (iii) **Recreation facility or use** (not otherwise permitted);
  - (iv) Sanitary landfill;
  - (v) **Shooting range** (indoor or outdoor);
  - (vi) Solid waste transfer station;
  - (vii) Stadium/racetrack;
  - (viii) Utility facility, private.

### (3) Additional **Special Use** Standards and Provisions

The following standards shall apply as applicable to applications for the noted **special use** approvals.

(a) For all **Special Use** options available, landscape standards (§157.404(I)) and parking (§157.404(M)) shall be as determined by the Board of Zoning Appeals in its approval.

Commercial communication tower

(i) ~~A **special use** shall not be required for a wireless support **structure**, as defined in I.C. 8-1-32.3-14, if the proposed wireless support **structure** is located within the City right-of-way.~~

(ii) ~~A **special use** shall not be required for the location of additional cabinets or shelters for an existing tower~~

(iii) ~~A **special use** shall not be required for the co-location of antennae in any district on an existing **building or structure**. Antennae shall be permitted to extend up to twenty (20) feet above the existing **building or structure**. A **Certificate of Compliance** shall be obtained for all antennae locations and co-locations.~~

## FORT WAYNE ZONING ORDINANCE

(iv) ~~In addition to meeting the requirements set forth in § 157.503(D)(2) the Board shall also find the following as a part of its approval:~~

[A] ~~The proposed communication tower is necessary to serve either new providers of service, or documented service gaps in the immediate area; and~~

[B] ~~The applicant is unable to locate or co-locate on an existing structure.~~

(v) ~~New communication towers approved by the Board of Zoning Appeals shall conform to the following development standards:~~

[A] ~~The tower structure shall not exceed 150 feet in height for a new service provider, and 80 feet in height for towers intended to fill in service gaps for an existing provider;~~

[B] ~~The setback requirement for towers shall be as follows. Setbacks shall be measured from the base of the tower to the applicable lot lines.~~

TOWER SETBACK REQUIREMENTS	
Front yard (including through lots)	75% of tower structure height
Side yard - interior lot line	50% of tower structure height
Side yard - street frontage side of corner lot	75% of tower structure height
Rear yard	50% of tower structure height

(b) Home business

- (i) The **Board** may limit the number of outside employees who work at the home;
- (ii) No outside display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to three (3) square feet;
- (iii) No vehicle with a load capacity greater than one-ton shall be permitted to be parked outside as part of a **home business**; and
- (iv) Food-related **uses** shall also require Fort Wayne-Allen County Department of **Health** approval.

(c) Home enterprise

- (i) The **Board** may limit the number of employees;
- (ii) The area used for outside **storage** for the **home enterprise** shall be: limited to the size of the **building** used for the workshop, up to 4,000 square feet; permitted up to eight (8) feet in height; and adequately screened; the **Board** may further limit the outside **storage** area;
- (iii) ~~Adequate on-site parking shall be provided for employee and client/customer parking; and~~
- (iv) ~~Home enterprises~~ shall only be considered for properties previously approved for a **home workshop** or a different **home enterprise**.

## FORT WAYNE ZONING ORDINANCE

### (E) Variances from **Development** Standards

The **Board of Zoning Appeals** may approve variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5, if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the ordinance will result in practical difficulties in the **use** of the property.

### (F) Use Variances

~~The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:~~

#### (1) Criteria for Approval of Use Variance

~~The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:~~

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (b) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner;
- (c) The need for the variance arises from some **condition** peculiar to the property involved;
- (d) The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (e) The approval does not interfere substantially with the **Comprehensive Plan** or any other plan duly adopted by the Fort Wayne Common Council.

#### (2) Additional Use Variance Standards and Provisions

~~For all Use Variance applications, landscape standards (§157.404(I)) and parking (§157.404(M)) shall be as determined by the Board of Zoning Appeals in its approval.~~

## FORT WAYNE ZONING ORDINANCE

### **Church (see “Religious Institution”)**

#### **City**

The **City** of Fort Wayne, Indiana.

### **Class I Child Care Home (see “Child Care Home”)**

### **Class II Child Care Home (see “Child Care Home”)**

#### **Clinic**

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the **clinic**. A **use** that meets the definition of “**Treatment Center**” shall not be considered to be a **Clinic**.

#### **Club, Private**

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws. Any use that meets the definition of “**sexually oriented business**” as defined in Chapter 121.02 of the Municipal Code of the City of Fort Wayne shall not be considered a **Private Club**.

#### **Clubhouse**

A **building** that provides a meeting place for a **club** as a **primary use**.

#### **Coffee Shop**

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the **use** of patrons.

### **Collector Street (see “Street, Collector”)**

#### **Commercial Communication Tower**

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding those used exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar private/residential communications. Where permitted, commercial communications towers may be freestanding or building-mounted.

#### **Commission**

The Fort Wayne **City Plan Commission**.

#### **Commitment**

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

## FORT WAYNE ZONING ORDINANCE

### 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**
- (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**; **and**
- (9)(10) **A commercial communications tower (see §157.404(Z) for development standards).**

### 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**.

## Department of Planning Services

### Zoning Ordinance Amendment Application

Project Name 2025 Technical Amendment "B" - Commercial Communications Towers

Applicant Department of Planning Services

Address 200 E Berry Street, Suite 150

City Fort Wayne State IN

Telephone (260) 449-7607 Zip 46802

Email david.schaab@allencounty.in.gov

Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction

Other

---

Proposed Effective Date April 8, 2026

Legislative Body Fort Wayne Common Council

Brief Description of Zoning Ordinance Amendment

*(Please attach full amendment document)*

This set of 2025 Substantial Amendment B amendments is proposed to:

- 1) Align the Commercial Communication Tower process with State procedures; and
- 2) Update other BZA Procedures for clarity and staff efficiency.

A summary of the proposed 2025 Substantial Amendment B amendments are attached; the proposed effective date is April 8, 2026. To maintain alignment with Allen County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances may also be

-----



Signature of Applicant

Dave Schaab

Printed Name

December 2, 2025

Date