

1 #ZORD-2025-0017

2 BILL NO. G-26-01-08

3
4 ORDINANCE NO. Z-_____

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

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

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

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

16 Amendment SPR 1 - § 157.302 (B)
17 It is unclear when a Site Plan Review is required for a Commercial Communication Tower;
18 Therefore "New freestanding commercial communication tower, substantial modification of
19 an existing freestanding commercial communication tower, and building mounted
20 commercial communication tower that exceeds height limits" were added to the Site Plan
21 Review section of the zoning ordinance.

22 Amendment SC 1 - § 157.303(C)(2)
23 It is unclear what the standards are for a Commercial Communication Tower parcel;
24 Therefore "A division of a parcel of land for the transfer of a parcel of land to be used for a
25 Commercial Communication Tower." Was added to the Exempt Divisions of Land section of
26 the zoning ordinance.

27 Amendment DDS 1 - § 157.404 (B)
28 It is unclear what the design standards are for a Commercial Communication Tower;
29 Therefore a Commercial Communication Tower Section was added to the Development
30 Design Standards.

Amendment DDS 2 - § 157.404 (Z)
It is unclear what the design standards are for a Commercial Communication Tower;
Therefore the following was added:

- 24 "(a) Tower setback requirements shall be determined by the fall zone details that
25 specify the area in which the wireless support structure is designed to
26 collapse; these must include engineering certification for the wireless
27 support structure.
- 28 (b) Gravel surface area is permitted for access, drive, ground equipment area,
29 parking, and turn-around areas only.
- 30 (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

- 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
14 shall require a Certificate of Use” was added to the Certificate of Use section of the zoning
15 ordinance.

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

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

23 Amendment PRO 2 - §157.503 (D)(1)

24 Special Use Zoning Districts in the Special Uses Table need to be updated;
25 Therefore the special use table was updated by elimination of “commercial communication
26 towers.”

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

28 Landscaping and parking standards are part of current Special Use Standards and
29 Provisions in the Special Use section of Procedures, therefore
30 “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.

Amendment PRO 6 - § 157.503 (F)(1)

“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.” 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.

Amendment PRO 7 - § 157.503 (F)(2)

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.

Amendment DEF 1 - § 157.506 (B)

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

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Amendment DEF 2 - § 157.506 (B)

The universality of commercial communications towers is unclear in the zoning ordinance; therefore "commercial communications tower" was added to the list of universally permitted uses. A footnote was added to refer to additional design standards.

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

Council Member

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. 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).

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- (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).

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- ~~(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.
- (viii)(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.

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	Section	DP	SP	MJS	MNS
Access	§157.404(D)	✓	✓	✓	✓
Airport overlay districts	§157.404(E)	✓	✓	✓	✓
Block layout	§157.404(F)			✓	
Easements	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape standards	§157.404(I)	✓	✓		
Lot standards	§157.404(J)			✓	✓
Natural site features	§157.404(K)	✓		✓	✓
Open space and recreation amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact mitigation	§157.404(O)	✓	✓		
Sanitary sewer	§157.404(P)	✓	✓	✓	✓
Signs	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
Street lighting	§157.404(T)	✓	✓	✓	
Vehicle circulation and streets	§157.404(U)	✓	✓	✓	✓
Water	§157.404(V)	✓	✓	✓	✓
Zoning district standards <ul style="list-style-type: none"> • Building Separation • Building Size • Number of Buildings on a Lot • Height • Lot Area and Width • Yard Requirements • Zoning Overlay Districts 	§157.404(W)	✓	✓	✓	✓
Design standards (DC and DE)	§157.404(X)	✓	✓		
Riverfront overlay district (DC and DE)	§157.404(Y)	✓	✓		
Commercial Communication Towers	<u>§157.404(Z)</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
KEY					
DP = Development Plan	SP = Site Plan	MJS = Major Subdivision	MNS = Minor Subdivision	✓ = 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)~~ (2) Chimneys;

~~(2)~~~~(3)~~ (3) **Commercial Communication Tower**;

~~(3)~~~~(4)~~ (4) Fire or parapet **walls**;

~~(4)~~~~(5)~~ (5) Flagpoles;

~~(5)~~~~(6)~~ (6) Grain elevators;

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(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**.

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

FORT WAYNE ZONING ORDINANCE

(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)~~(iii) Home enterprises shall only be considered for properties previously approved for a home workshop or a different home enterprise.

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(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 amended.


Signature of Applicant

Dave Schaab
Printed Name

December 2, 2025
Date

FACT SHEET

Case # ZORD-2025-0017 Bill # G-26-01-08 Project Start: December 2025

PROPOSAL:	Zoning Ordinance Amendment ZORD-2025-0017 – Fort Wayne 2025 Substantial Amendment “B”
APPLICANT:	Department of Planning Services
REQUEST:	To align the Commercial Communication Tower process with State procedures and update other BZA Procedures for clarity and staff efficiency.
AFFECTED AREA:	Fort Wayne Planning Jurisdiction
COUNCIL DISTRICT:	All
SPONSOR:	City of Fort Wayne Plan Commission

January 12, 2026 Public Hearing

- No one spoke in opposition or with concerns.
- Connie Haas Zuber and Patrick Zaharako were absent.

January 26, 2026 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Ryan Neumeister to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

Fact Sheet Prepared by:
Nathan Schall, Principal Land Use Planner
February 3, 2026

PROJECT SUMMARY

The intent of this zoning ordinance amendment is to align current county standards to reflect State of Indiana statute regarding commercial communication towers, commonly known as “cell towers.” Today, commercial communication towers are permitted as special uses in agricultural and commercial districts. The proposed amendment will permit commercial communication towers as a universally permitted use, which will eliminate the need for special use approval. The commercial communications tower will join the list of universally permitted uses, but unlike the remaining terms, the commercial communication towers will require additional development standards regarding engineering of the structure, screening, parking, and the subdivision of parcels.

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 below; the proposed effective date is April 8, 2026. To maintain alignment with Allen County and Fort Wayne, the Grabill, Hometown, Monroeville and Woodburn ordinances may also be amended.

PUBLIC HEARING SUMMARY:

Presenter: Nathan Schall, Principal Planner for Special Projects, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION
Findings of Fact • January 2026

PROPOSAL: Zoning Ordinance Amendment ZORD-2025-0017 – Fort Wayne 2025
Substantial Amendment “B”

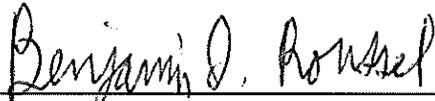
APPLICANT: Department of Planning Services

REQUEST: To align the Commercial Communication Tower process with State
procedures and update other BZA Procedures for clarity and staff efficiency.

AFFECTED AREA: Fort Wayne planning jurisdiction

The Plan Commission recommends that Rezoning Petition ZORD-2025-0017 be returned to the Fort Wayne City Council with a “Do Pass” recommendation.

These findings approved by the Fort Wayne Plan Commission on January 26, 2026.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

2025 DRAFT Allen County and Fort Wayne Zoning Ordinance

2025 Substantial Amendment B Amendments Summary

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 below; 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 amended.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
SU 1	Special Uses FW (65 et al) AC (14 et al)	§ 157.212 (C) et al / 3-2-3-3 et al Indiana limits local jurisdiction input on location of Commercial Communication Towers.	Removed the Commercial Communications Tower Special Use in A1, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 zoning districts.
SPR 1	Site Plan Review FW (179 et al) AC (149)	§ 157.302 (B) / 3-3-2-2 It is unclear when a Site Plan Review is required for a Commercial Communication Tower.	Added “New freestanding commercial communication tower, substantial modification of an existing freestanding commercial communication tower, and building mounted commercial communication tower that exceeds height limits.” to the Site Plan Review section of the zoning ordinance.
SC 1	Subdivision Control FW (185) AC (154)	§ 157.303(C)(2) / 3-3-3-3(b)(1) It is unclear what the standards are for a Commercial Communication Tower parcel.	Added “A division of a parcel of land for the transfer of a parcel of land to be used for a Commercial Communication Tower.” to the Exempt Divisions of Land section of the zoning ordinance.
DDS 1	Development Design Standards FW (206) AC (177)	§ 157.404 (B) / 3-4-4-2 It is unclear what the design standards are for a Commercial Communication Tower.	Added a Commercial Communication Tower Section to the Development Design Standards.

Draft Summary of Amendments

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DDS 2	Development Design Standards FW (222) AC (190)	§ 157.404 (Z) / 3-4-4-24 It is unclear what the design standards are for a Commercial Communication Tower.	Added, “(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.” And a Process Table to the Commercial Communication Tower Section of the Development Design Standards.
DSWE 1	Development Standards Waivers and Exceptions FW (223) AC (193)	§ 157.405 (C) / 3-4-5-3 It is unclear what the height standards are for a Commercial Communication Tower.	Added Commercial Communication Tower to the Height Standards Exceptions section of the Development Standards Waivers and Exceptions.
PRO 1	Certificate of Use FW (349) AC (304)	§ 157.503 (B)(10) / 3-5-3-2 (j) It is unclear when a Certificate of Use is required for a Commercial Communication Tower.	Added “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.” to the Certificate of Use section of the zoning ordinance.
PRO 2	Procedures AC (278) FW (355)	3-5-3-4 (a) / 157.503 (D)(1) Special Use Zoning Districts in the Special Uses Table need to be updated.	Updated Special Uses Table Accordingly.

Draft Summary of Amendments

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
PRO 3	Procedures FW (357) AC (277)	§ 157.503(D)(3)(a) / 3-5-3-4(c)(1) Clarify landscaping and parking standards are part of current Special Use Standards and Provisions in the Special Use section of Procedures.	Added “For all Special Use options available, landscape standards and parking shall be as determined by the Board of Zoning Appeals in its approval.” To the Additional Special Use Standards and Provisions section of the zoning ordinance.
PRO 4	Procedures FW (357) AC (277)	§ 157.503(D)(3)(a) / 3-5-3-4(c)(1) Indiana limits local jurisdiction input on location of Commercial Communication Towers.	Removed the Commercial Communications Tower Special Use Standards and Provisions.
PRO 5	Procedures AC (278)	3-5-3-4 (c)(4)(C) Parking standards are mentioned twice in Home Enterprise Special Use Standards of Allen County.	Removed “adequate on-site parking shall be provided for employee and client/customer parking...” from the Home Enterprise Special Use Standards and Provisions.
PRO 6	Procedures FW (361) AC (281)	§ 157.503 (F)(1) / 3-5-3-6 (a) Align Use Variance Section with Special Use Section.	Replaced, “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:” 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.
PRO 7	Procedures FW (361) AC (281)	§ 157.503 (F)(2) / 3-5-3-6 (b) Align Use Variance Section with Special Use Section.	Added, “(b) Additional Use Variance Standards and Provisions (1) For all Use Variance applications, landscape standards and parking shall be as determined by the Board of Zoning Appeals in its approval.” to the use variance section of the zoning ordinance.
DEF 1	Definitions FW (399) AC (315)	§ 157.506 (B) / 3-5-6-2 The definition of “commercial communications tower” does not clarify certain mounting types of communications towers.	Added, “Where permitted, commercial communications towers may be freestanding or building-mounted.” to the definition of commercial communication tower.
DEF	Definitions FW (456) AC (406)	§ 157.506 (B) / 3-5-6-2 The universality of commercial communications towers is unclear in the zoning ordinance.	Added “commercial communications tower” to the list of universally permitted uses. A footnote was added to refer to additional design standards.

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).

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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.
- (viii)(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.

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(B) Applicability

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

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

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§ 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)~~ (2) Chimneys;

~~(2)~~~~(3)~~ (3) **Commercial Communication Tower**;

~~(3)~~~~(4)~~ (4) Fire or parapet **walls**;

~~(4)~~~~(5)~~ (5) Flagpoles;

~~(5)~~~~(6)~~ (6) Grain elevators;

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(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)).

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(D) Special Uses

(1) List of Special Uses

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

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

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

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(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.~~

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~~(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)~~(iii) Home enterprises shall only be considered for properties previously approved for a home workshop or a different home enterprise.

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(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.

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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.

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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**.

1 #ZORD-2025-0017

2 BILL NO. G-26-01-08

3
4 ORDINANCE NO. Z-_____

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

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

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

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

16 Amendment SPR 1 - § 157.302 (B)
17 It is unclear when a Site Plan Review is required for a Commercial Communication Tower;
18 Therefore "New freestanding commercial communication tower, substantial modification of
19 an existing freestanding commercial communication tower, and building mounted
20 commercial communication tower that exceeds height limits" were added to the Site Plan
21 Review section of the zoning ordinance.

22 Amendment SC 1 - § 157.303(C)(2)
23 It is unclear what the standards are for a Commercial Communication Tower parcel;
24 Therefore "A division of a parcel of land for the transfer of a parcel of land to be used for a
25 Commercial Communication Tower." Was added to the Exempt Divisions of Land section of
26 the zoning ordinance.

27 Amendment DDS 1 - § 157.404 (B)
28 It is unclear what the design standards are for a Commercial Communication Tower;
29 Therefore a Commercial Communication Tower Section was added to the Development
30 Design Standards.

Amendment DDS 2 - § 157.404 (Z)
It is unclear what the design standards are for a Commercial Communication Tower;
Therefore the following was added:

- 24 "(a) Tower setback requirements shall be determined by the fall zone details that
25 specify the area in which the wireless support structure is designed to
26 collapse; these must include engineering certification for the wireless
27 support structure.
- 28 (b) Gravel surface area is permitted for access, drive, ground equipment area,
29 parking, and turn-around areas only.
- 30 (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

- 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
14 shall require a Certificate of Use” was added to the Certificate of Use section of the zoning
15 ordinance.

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

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

23 Amendment PRO 2 - §157.503 (D)(1)

24 Special Use Zoning Districts in the Special Uses Table need to be updated;
25 Therefore the special use table was updated by elimination of “commercial communication
26 towers.”

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

28 Landscaping and parking standards are part of current Special Use Standards and
29 Provisions in the Special Use section of Procedures, therefore
30 “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.

Amendment PRO 6 - § 157.503 (F)(1)

“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.” 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.

Amendment PRO 7 - § 157.503 (F)(2)

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.

Amendment DEF 1 - § 157.506 (B)

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

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney