#ZORD- 2026-0010

BILL NO. G-26-11-32

ORDINANCE NO. Z-_____

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

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

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

Amendment ZD 1 - §157.205
No zoning district exists that is intended to enable creative, resourceful, and historical patterns of development. The purpose of this district is to provide a residential zoning district that permits a mixture of residential uses and compatible nonresidential uses with flexible design standards to enable the development of non-traditional housing options. Therefore, added a new "MR - Mixed Residential" zoning district, which includes: Purpose; Permitted Uses; Special Uses; Accessory Buildings, Structures, and Uses; and Development and Projection Standards.

Amendment DDS 1 - §157.404 (AA)
It is unclear what the design standards are for the Mixed Residential zoning district. Therefore, added Mixed Residential Specific Design Standards, which includes: Access Standards; Container Home Standards; Pedestrian Circulation Standards; and Additional Specific Standards.

Amendment PK 1 - §157.407 (C) (1) (b)
It is unclear what the parking standards are for the Mixed Residential zoning district. Therefore, allowed off-site parking areas for MR Mixed Residential zoning district developments.

Amendment LS 1 - §157.408 (B) (7)
It is unclear what the landscape standards are for the Mixed Residential zoning district. Therefore, added that landscaping standards shall be determined by the Plan Commission in its approval of Mixed Residential zoning district applications.

Amendment DEF 1 §157.506
Compact Dwellings are to be a permitted use in the MR Mixed Residential zoning district. Therefore, added a definition for a compact dwelling: "A residential building that serves as the primary use on a lot and used for occupancy by one household which is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points. Temporary housing such as bed and breakfasts, boarding houses, hotels, motels, nursing homes, tents, and recreational vehicles, shall not be regarded as compact dwellings. A compact dwelling shall be less than 700 square feet of finished conditioned livable space. A compact dwelling shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles."

Amendment DEF 2 - §157.506
There is confusion concerning the Zero Lot Line Single Family Dwelling definition. Therefore, removed "detached" from the definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on February 1, 2027.

_____
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-2026-0010
Bill Number:	G-26-11-32
Council District:	All

Introduction Date:	September 22, 2026
Plan Commission Public Hearing Date:	December 7, 2026 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance:	Add a “Mixed Residential” zoning district and supporting regulations to the Fort Wayne Zoning Ordinance to increase housing options.
Location:	Fort Wayne Planning Jurisdiction
Applicant:	Department of Planning Services

Related Petitions:	N/A

Effect of Passage:	This set of amendments is proposed to: Add a “Mixed Residential” zoning district and supporting regulations to the Fort Wayne Zoning Ordinance to increase housing options.
Effect of Non-Passage:	The Department of Planning Services (DPS) will continue without a “Mixed Residential” zoning district in the Fort Wayne Zoning Ordinance.

2026 Allen County and Fort Wayne Zoning Ordinance

Phase 3 Housing Amendment Summary

This set of housing amendments is proposed to:

1) Identify issues and elements of the current zoning ordinances that can be updated to encourage the development of more diverse and innovative housing types; and
2) Implement housing related policies and action steps of the All In Allen Comprehensive Plan.

A summary of the proposed 2026 housing amendments is below; the proposed effective date is February 1, 2027. 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**
ZD 1	Zoning Districts FW §157.205 (24) AC Chapter 5 (28)	No zoning district exists that is intended to enable creative, resourceful, and historical patterns of development. The purpose of this district is to provide a residential zoning district that permits a mixture of residential uses and compatible nonresidential uses with flexible design standards to enable the development of non-traditional housing options.	Added a new "MR - Mixed Residential" zoning district, which includes: - Purpose (A); - Permitted Uses (B); - Special Uses (C); - Accessory Buildings, Structures, and Uses (D); and - Development and Projection Standards (E)
DDS 1	Development Design Standards FW §157.404(AA) (222) AC 3-4-4-25 (198)	It is unclear what the design standards are for the Mixed Residential zoning district.	Added Mixed Residential Specific Design Standards, which includes: - Access Standards; - Container Home Standards; - Pedestrian Circulation Standards; and - Additional Specific Standards
PK 1	Parking Standards FW §157.407(C)(1)(b) (227) AC 3-4-7-3 (a) (203)	It is unclear what the parking standards are for the Mixed Residential zoning district.	Allowed off-site parking areas for MR Mixed Residential zoning district developments.
LS 1	Landscaping Standards FW §157.408 (B)(7) (233) AC 3-4-8-2(g) (209)	It is unclear what the landscape standards are for the Mixed Residential zoning district.	Added that landscaping standards shall be determined by the Plan Commission in its approval of Mixed Residential zoning district applications.

Draft Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
DEF 1	Defined Terms FW §157.506 (407) AC 3-5-6-2 (344)	Compact Dwellings are to be a permitted use in the MR Mixed Residential zoning district.	Added a definition for a compact dwelling: "A residential building that serves as the primary use on a lot and used for occupancy by one household which is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points. Temporary housing such as bed and breakfasts, boarding houses, hotels, motels, nursing homes, tents, and recreational vehicles, shall not be regarded as compact dwellings. A compact dwelling shall be less than 700 square feet of finished conditioned livable space. A compact dwelling shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles."
DEF 2	Defined Terms FW §157.506 (407) AC 3-5-6-2 (345)	There is confusion concerning the Zero Lot Line Single Family Dwelling definition.	Removed "detached" from the definition.

§ 157.205 MR MIXED RESIDENTIAL

(A) Purpose

The Mixed Residential **district** is intended to enable creative, resourceful, and historical patterns of **development**. The purpose of this **district** is to provide a residential zoning **district** that permits a mixture of residential **uses** and compatible nonresidential **uses** with flexible design standards to enable the **development** of non-traditional housing options. Nonresidential **uses** shall be accessory to the mixed residential **uses**, pedestrian oriented, and constructed at the **street** level. All **development** proposals within this zoning **district** will be subject to all applicable provisions of §157.404 (Development Design Standards) and §157.404(AA) (Mixed Residential Zoning District Specific Design Standards).

(B) Permitted **Uses**

The following **uses** are permitted as a matter of right in an MR **district. Drive-through facilities** shall not permitted as either a primary or an **accessory use** in this **district**.

(1) **Accessory building**, **structure**, or **use** as set forth in §157.205(D) (including rental/management office in a **multiple family complex**);

(2) **Assisted living facility**;

(3) **Bed and breakfast**;

(4) **Campus housing (**off-site);

(5) Common areas used for a **clubhouse, neighborhood center, swimming pool, tennis court**, **indoor recreation**, or other similar assembly;

(6) **Community garden** that includes a structure;

(7) **Container home** (see §157.404(AA) (2) (b) for additional standards);

(8) **Compact Dwelling;**

(9) **Educational institution**

(10) Fraternity or sorority house;

(11) **Group residential facility, FHAA (large)**;

(12) **Group residential facility, FHAA (small)**;

(13) **Home business;**

(14) **Live-work unit;**

(15) **Model home** (permitted for up to two (2) years);

(16) **Multiple family complex**;

(17) **Multiple family dwelling**;

(18) **Neighborhood facility**;

(19) Retirement facility;

(20) **Single family dwelling (detached)** (including multiple primary **structures**);

(21) Two family dwelling;

(22) Universally permitted use;

(23) **Zero lot line single family dwelling** (one **building** with units on individual **lots** or **parcels**);

(24) **Zero lot line two family dwelling** (one **building** with units on individual **lots** or **parcels**);

(25) The following uses are permitted if integrated into the first floor of a permitted use in this district, excluding **drive-through facilities**:

MR MIXED RESIDENTIAL INTEGRATED FIRST FLOOR PERMITTED USES	
Accessory building/structure/use	**Boarding house**
Accountant	Book store
Adoption service	Bookkeeping service
Adult care center	**Brewery (micro)**
Advertising	Broker
Air conditioning sales	Business **training**
Alteration service	Candy store
Animal grooming (indoor)	Catalog showroom
Animal hospital (indoor)	Caterer
Animal kennel (indoor)	**Child care center**
Animal obedience **school** (indoor)	Chiropractor
Answering service	**Clinic**
Antique shop	Clock sales
Apparel and accessory store	Clothing alterations
Appraiser	Clothing rental
Arcade	Clothing store
Architect	**Club, private**
Art gallery	**Coffee shop**
Art **instruction**	Coin **shop**
Art studio	Collection agency
Art supply store	Computer sales and service
Attorney	Computer software store
Audiologist	Computer **training**
Audio-visual **studio**	Consignment **shop**
Automobile accessory store (indoor)	Consulting service
Bait sales	Consumer electronics sales
Bakery goods	Consumer electronics service
Bank	**Convenience store**
Bankruptcy service	Copy service
Bar	Cosmetic store
Barber shop	Costume rental
Barber/beauty school	Counseling service
Beauty shop	Craft **instruction**
Bicycle sales and repair **shop**	Craft **studio**
Billiard or pool hall	Craft supply store
Blood bank	Credit service
Blood or plasma donor facility	**Credit union**

MR MIXED RESIDENTIAL INTEGRATED FIRST FLOOR PERMITTED USES	
Customer service facility	Insurance agency
Dance **instruction**	Interior decorating store
Day care	Interior design service
Day spa	Internet service
Delicatessen	Investment service
Dentist	**Jewelry sales**
Department store	**Laboratory**
Detoxification facility	**Land surveyor**
Diagnostic center	**Laundromat**
Dialysis center	Leather goods store
Dinner **theater**	Legal service
Distillery (micro)	**Loan office**
Doctor	Luggage store
Dormitory	Marketing agency
Driving **instruction**	Martial arts **training**
Drug store	**Massage therapy**
Dry cleaning store	Meat/fish market
Embroidery	Medical **training**
Employment agency	**Model unit**
Engineer	Mortgage service
Entertainment facility (indoor)	**Museum**
Fabric **shop**	Music **instruction**
Farmers market (with outdoor **uses**)	Music store
Finance agency	Music **studio**
Financial planning service	Musical instrument store
Fireworks sales (indoor)	Nail salon
Fitness center	**Nursing home**
Flea market (indoor)	Nutrition service
Floor covering store	**Office, professional**
Florist	Ophthalmologist
Foundation office	Optician
Fruit and/or vegetable store	Optometrist
Furniture store	Package liquor store
Game rental	Paint store
Game sales	Painting **studio**
Gift **shop**	Photography **training**
Graphic design service	**Pet store**
Grocery store or supermarket	Pharmacy
Gymnastics **instruction**	**Photography studio**
Hardware store	Photography supply store
Health club	Physical therapy facility
Heating sales	Picture framing facility
Hobby **shop**	Pilates **instruction**
Hospice care center	Planner
Hospital	Podiatrist
Ice cream store	

MR MIXED RESIDENTIAL INTEGRATED FIRST FLOOR PERMITTED USES	
Real estate	Surgery center
Reception hall	Tailor
Recording studio	Tanning salon
Rehabilitation facility	Tattoo establishment
Rental store	Tax consulting
Residential dwelling unit	Tea room
Restaurant	**Theater** (indoor)
Sandwich shop	Title company
Savings and loan	Tobacco store
Sculpture studio	Toy store
Security service	**Travel** agency
Shoe repair shop	**Treatment center**
Shoe store	Tutoring service
Sign sales store	Variety store
Sleep disorder facility	**Veterinary clinic**
Social service agency	Watch sales
Sporting goods sales	Website service
Stained glass **studio**	Wedding consultant
Stationery store	Weight loss service
Stock and **bond** broker	**Window** sales
Studio	Yoga **instruction**

(C) **Special Uses**

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

(1) **Animal keeping** (outdoor, small animal);

(2) **Athletic field;**

(3) **Boarding house**;

(4) **Child Care Center**

(5) Community facility not otherwise permitted;

(6) **Drive-through facilities** as an accessory use;

(7) **Country club**;

(8) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);

(9) Emergency response facility;

(10) **Golf course**;

(11) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);

(12) Instruction/training/education;

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

(14) **Model home** (for extension of time or expansion of scope);

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

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

(17) Public transportation facility

(18) **Religious institution** or non-public **school** illuminated **athletic field**(s);

(19) **Residential re-entry facility**;

(20) Residential facility for homeless individuals (for up to eight (8) individuals);

(21) **Sign** (temporary **subdivision** direction);

(22) **Solar panel (ground mounted)**;

(23) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;

(24) Swim **club**;

(25) Tennis **club**;

(26) **Utility facility, private** (not otherwise permitted or exempt);

(27) **Wind energy conversion system, micro** (for **single family detached dwellings** on unplatted land only); and

(28) **Wind energy conversion system, standard** (for fire/police station, **public park**, **religious institution**, or **school** uses; or unplatted residential land over five (5) acres).

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

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

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

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

(E) Development Standards

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

MR MIXED RESIDENTIAL DEVELOPMENT STANDARDS [1]	
Building Size (square feet)	
Single family **dwelling**	No minimum
Accessory structures	No maximum
Height (maximum) [2]	
Primary building [2]	60′
Accessory building or structure	25’
Lot Area	
All **lots**	No minimum
Lot Width	
Minimum Width	15’ along **right-of-way** or Plan Commission approved common area[3]
Front yard	
All **lots**	5′
Side yard (if applicable)	
Primary building	5′
Accessory building or **structure**	5’
Rear yard[4]	
Primary building	5’
Accessory structure	3′ from a side or **rear lot line** [5]
Swimming pool	6′ from a side or **rear lot line**
Building separation	
Side yard separation from the side of another primary **building**	10’
Separation from the front or rear of another primary **building**	20’

Notes:

(1) All development proposals within this zoning district shall also be subject to all applicable provisions of §157.404 (Development Design Standards) and §157.404(AA) (Mixed Residential Zoning District Specific Design Standards)

(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions

(3) See §157.404(AA) (Mixed Residential Zoning District Specific Design Standards) for additional common area standards.

(4) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards

(5) Excluding **swimming pools**

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

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

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS (1)			
Buildings/structures	**Required Yard**		
	Front	**Side**	**Rear**
Access ramp	Permitted (2)	Permitted (2)	Permitted (2)
Arbor, basketball goal, bird bath/house/feeder, **driveway**, flagpole, garden (private), **landscape elements**, mail/newspaper delivery box, property boundary marker, **small satellite dish**, **trellis**, **yard light**	Permitted (2)	Permitted (2)	Permitted (2)
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow **window**, or similar feature)	May project up to 2′	May project up to 2′ (3)	May project up to 2′
Awning or **canopy**	May project up to 4′	May project up to 4′ (3)	May project up to 4′
Balcony, fire escape, or stairway, open	May project up to 4′	Shall not project	May project up to 4′
Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted	Not permitted	Not permitted (4)
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 5′	May project up to 4′ (3)	May project up to 5′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted	Not Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted	Permitted (2)	Permitted (2)
Slab on grade **patio**	May project up to 5′	May project up to 4′ (3)	May project up to 5′
Stoop	Permitted (2)	May project up to 4′ (3)	Permitted (2)
Wall (freestanding; permitted up to 8′ in height)	Not permitted	Permitted (2)	Permitted (2)
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted	Permitted (2)	Permitted (2)

Notes:

(1) Except as noted below, **buildings** and **structures** shall not project into or be located in a required **yard**

(2) May be located within required **yard** with no **setback**, except that non-ornamental **fences** and **walls** shall meet **corner lot setback** and clear visibility standards; see **development** standards table for **fence corner lot setback** standards

(3) However, a 3′ **side yard** shall be maintained

(4) Shall meet minimum **setback**

(B) Applicability

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

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	**Section**	**DP**	**SP**	**MJS**	**MNS**
Access	§157.404(D)	✓	✓	✓	✓
Airport overlay districts	§157.404(E)	✓	✓	✓	✓
Block layout	§157.404(F)			✓	
Easements	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape standards	§157.404(I)	✓	✓		
Lot standards	§157.404(J)			✓	✓
Natural site features	§157.404(K)	✓		✓	✓
Open space and **recreation** amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact **mitigation**	§157.404(O)	✓	✓		
Sanitary sewer	§157.404(P)	✓	✓	✓	✓
Signs	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
Street lighting	§157.404(T)	✓	✓	✓	
Vehicle circulation and **streets**	§157.404(U)	✓	✓	✓	✓
Water	§157.404(V)	✓	✓	✓	✓
Zoning district standards • **Building** Separation • **Building** Size • 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	§157.404(Z)	✓	✓	✓	✓
MR Zoning District Specific Design Standards	§157.404(AA)	✓	✓	✓	✓

KEY				
DP = Development Plan	SP = Site Plan	MJS = **Major Subdivision**	MNS = **Minor Subdivision**	✓ = Standard is applicable

(4) Parcel area shall include the fall zone area.

(5) 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.

(AA) MR Mixed Residential Zoning **District** Specific Design Standards

(1) Unless specifically stated in this section, all proposed **development** shall be in conformance with the applicable development design standards in § 157.404.

(2) Restrictive covenants, a written commitment, or other necessary document(s) running with the land, shall be recorded in such form as is approved by the **Commission** to clearly state of record each of the following provisions:

(a) Access Specific Standards

(i) Residential **lots** in a major subdivision in the Mixed Residential **district** may front a common area that contains no less than 225 square feet per dwelling, if:

[A] The minimum required frontage is along the common area;

[B] Common area is contiguous with at least three (3) abutting platted **lots'** common area;

[C] The common area may not be used for parking purposes;

[D] The common area may not be used for stormwater detention basins; and

[E] The common area has at least fifteen (15') of frontage to a platted or dedicated right-of-way.

(b) **Container Home** Specific Standards

(i) **Container Homes** shall:

[A] Be constructed in a manner that is consistent with the existing housing pattern in the immediate area with regard to setbacks, placement, and orientation on the **lot**; entry location; roof pitch; foundation type and construction;

[B] Have siding material of a type customarily used on **dwellings** constructed on-site for 75% of the front-facing facade, and a professional finish for all facades;

[C] Have roofing materials of a type customarily used on dwellings constructed on-site (such as but not limited to: asphalt shingles, cedar shingles, and metal); and

[D] Be certified by an Indiana Structural Engineer or Indiana Registered Architect.

(c) Pedestrian Circulation Specific Standards

(i) For **lots** in major and minor subdivisions in the Mixed Residential **district**, sidewalks a minimum of five (5) feet shall be constructed to connect the **dwellings'** primary access points to platted common areas, parking areas, and adjacent rights-of-way.

(ii) For **buildings** in development plans in the Mixed Residential **district**, sidewalks a minimum of five (5) feet shall be constructed to connect the **dwellings'** primary access points to common areas, parking areas, and adjacent rights-of-way.

(d) Additional Specific Standards

(i) Each **dwelling** must contain at least fifty (50) square feet of improved outdoor space, including (but not limited to) open porch, deck, and patio;

(ii) If a **dwelling** has frontage on right-of-way and common area, the **dwelling** shall have an entrance to both;

~~(i)~~(iii) **Off-site parking areas** for Mixed Residential zoning **district** developments are allowed.

§ 157.407 PARKING

(A) Purpose

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

(B) Applicability

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

(1) Any new freestanding **building** or **use** except in the DC and DE **districts**, and except for the excluded **uses** in §157.407(D)(1)(d). In cases where a **building addition** of over 50% of the **gross floor area** of an existing **primary building** or displaces existing **parking spaces**, the current parking provisions shall also be reviewed by **DPS** staff to see if additional parking should be provided. This review shall consider the existing number of **parking spaces** provided, the ability to provide additional on-site parking, and the availability of additional parking in the immediate area.

(2) For DC and DE districts, there shall be no minimum off-street parking requirement for new buildings or for new uses in existing buildings. If surface parking is provided, parking maximums shall be one-half (1/2) of the number of spaces required by the zoning ordinance outside of the DC and DE districts. For uses with no minimum parking requirements, one (1) parking space per 800 square feet shall be used to calculate maximum surface parking.

(3) In the UC **districts**, the standards shall apply only to the following **uses** or activities: a new **bar building**; a new dance or similar **school building**; a new **restaurant building**; a new night **club** or similar entertainment **use building**; the **addition** of units to an existing residential **structure**; or the conversion of a residential **structure** to **nonresidential use**.

(C) General Parking Standards

(1) Location On-Site Required

All **parking spaces** required by this section shall be provided on the same **lot**, **tract** or **development site** as the **building**, **structure**, or **use** for which the spaces are required**,** except:

(a) ~~in the case of~~ **off-site parking areas** for **religious institutions** or **school uses**, where the **lot** is either under the same ownership or operates under an executed agreement allowing for its use and is directly across an **alley right-of-way** from the **primary use**.

~~(a)~~(b) Off-site **parking areas** for MR Mixed Residential zoning **district developments**.

(2) **Parking Area** Location Standards

(a) Any paved area used for off-street public or employee parking, including internal **driveways** and driving lanes, shall meet the following standards, except for:

(i) **Driveways** or driving lanes that provide direct access between the **parking area** and a **public or private street**; and

(ii) Any single or two **family** residential **driveway** or **parking area** that does not meet the definition of "public **parking area**".

§ 157.408 LANDSCAPE STANDARDS

(A) Purpose

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

(B) Applicability

(1) The requirements in this §157.408 shall apply to all requests for approval of a Primary or Secondary Development Plan, Site Plan Review, certain **Improvement Location Permits** (including permits for new **outdoor activity areas**), and Public Works parking **lot** permits.

(2) These standards shall also apply to the creation of a nonresidential **outlot** from an existing **parking area**.

(3) The **Board of Zoning Appeals** and Hearing Officer may also consider and use these standards as **conditions** for the approval of applications.

(4) If this §157.408 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening.

(5) If there are multiple screening or buffering standards in the same area (for example, both a **building** and a **parking area**, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.

(6) New outdoor eating/drinking/smoking areas shall always provide a **solid fence** to screen the area from any **adjacent residential district**.

~~(6)~~(7) The requirements in this §157.408 shall not apply to the MR Mixed Residential Zoning **District**. Landscape standards shall be as determined by the Plan Commission in its approval of applications.

(C) Landscape Plan

A landscape plan shall be submitted to show conformance with this §157.408. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 6) and shall be in a format and with supporting information as established by the **Plan Commission**.

(D) Standards and Requirements

(1) General Standards and Requirements

(a) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this §157.408. Existing trees intended to be preserved in order to meet the requirements of this section

Duplex (see **"Dwelling, Two Family)**

Dwelling

Any **building** that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the **use** of living, sleeping, cooking, and eating.

Dwelling, Compact

A **residential building** that serves as the **primary use** on a lot and used for occupancy by one household which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **compact dwellings**. A **compact dwelling** shall be less than 700 square feet of finished conditioned livable space. A **compact dwelling** shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles.

Dwelling, Multiple Family

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

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

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

For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motel**s, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable.

Dwelling, Single Family (Attached) (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Townhouse (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Two Family

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 700 square feet of **gross floor area**, not including attached **garage** space if applicable.

Dwelling Unit, Residential

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

Dwelling Unit, Efficiency

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

Dwelling, Zero Lot Line Single Family

A single family ~~**detached**~~ **dwelling** unit placed on the **lot** or **parcel** so that it is positioned along one or more side **lot lines** and attached to one or more similar units.

Dwelling, Zero Lot Line Two Family

A Two family dwelling unit placed on a lot or **parcel** so that it is positioned along one or more side lot lines and attached to one or more similar units.

Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

Easement, Roadway

A roadway, approved by the **Commission** over private property, that permits a specific and limited **use** of that thoroughfare to the grantee of the **easement**.

Easement, Utility and Service

A portion or strip of land that is part of a **lot** or **parcel** but that has been reserved for the specific purpose of utilities and related services.

Educational Institution

Public, non-public, parochial, or other post-secondary **school**, junior college, college or university, other than a **business school**; the **use** may also include recreational **uses**, living quarters, dining rooms, heating plants and other incidental facilities for students, teachers and employees.

Emergency Response Facility

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

Emergency Shelter

A facility that provides temporary housing without charge for persons:

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

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

Employment Agency

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

Enclosed Area

A **structure** that has two or more exterior **walls**.

Engine Repair

A facility used for the repair of small engines or motors.

Engineer (see "Professional Engineer")