#ZORD-2024-0005

BILL NO. G-24-10-20 As Amended

ORDINANCE NO. G-5-25

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

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

SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through 157.210 (Zoning Districts), Sections 157.212 through 157.224 (Zoning Districts); Section 157.407 (Parking); 157.503 (Procedures); 157.506 (Definitions) are hereby amended as follows.

Amendment ABSU1 - 157.203(D), 156.206 through 157.210(D) and 157.219(D) through 157.220(D)

Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure; Removed existing "(1)" footnote in the AR, R1, R2, R3, RP, MHS, DE, and UC Zoning Districts.

Amendment ABSU2- 157.212(D) through 157.218 and 157.221 through 157.224

Integrated Accessory Dwelling Units only are to be permitted as an accessory to a primary residential structure in Commercial and Industrial Zoning Districts; Removed existing "(1)" note and replaced with, "Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted." In the C1, C2, NC, SC, C3, C4, DC, BTI, I1, I2, and I3 Zoning Districts.

Amendment DS1 - 157.203(E)

There is confusion concerning accessory dwelling units in the 'number of buildings permitted on a lot' section of the development standards table. Replaced, "accessory" with, "single family" and removed, "if there is no integrated accessory dwelling unit on the lot" in the AR zoning district.

Amendment DS2 – 157.203, 157.206(E)(1) through 157.210(E)(1)

There is confusion concerning Corner Lot Setbacks; Changed " 50' " to " 70' " and removed, "an addition to" in both places of the third bullet point in the corner lot section of the development standards table in AR, R1, R2, R3, RP, and MHS zoning districts.

Amendment DS3 - 157.203, 157.206(E)(2) through 157.210(E)(2) and 157.220(E)(2)

Accessory Dwelling Units are not included in the Additional Yard Location and Yard Projection Standards Table. Added, "Accessory Dwelling Unit" to the "Bath house/cabana, carport, garage, gazebo, greenhouse, pergola, shed, smoke house (person)" table row in the AR, R1, R2, R3, RP, MHS, and UC Zoning Districts.

Amendment SU1 – 157.207(C)

Transitional Uses exclude certain residential uses that should be considered Transitional Uses; Added, "Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1)));" to the Special Uses section of the R2 zoning district.

Amendment SU2 – 157.219(C)

Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure in the DE zoning district; Removed ADU Special Use language in the DE zoning district.

Amendment PARK1 – 157.407(D)(1)(d)

No parking requirement is defined for Accessory Dwelling Units; Updated Special Uses Table Accordingly.

Amendment PRO1- 157.503(D)(1)

Special Use Zoning Districts in the Special Uses Table need to be updated accordingly; Updated Special Uses Table Accordingly.

Amendment DEF1- 157.506(B)

Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure; Changed the definition to read, "An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit shall be subordinate to a primary residential structure. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated accessory dwelling unit shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. An integrated accessory dwelling unit shall include no separate entrance on the front-facing façade of the building. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles."

Amendment DEF2- 157.506(B)

Align and update language concerning the minimum square footage of a single family dwelling; Added, "The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable." to the definition.

Amendment DEF3- 157.506(B)

Align and update language concerning the minimum square footage of a two family dwelling; Added, "if applicable." to the definition.

Amendment DEF4- 157.506(B)

Update definition to include street classifications identified as transitional; Added, "or collector" to the Transitional Use definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on March 1, 2025.

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-2024-0005
Bill Number:	G-24-10-20
Council District:	all

Introduction Date:	October 22, 2024
Plan Commission Public Hearing Date:	November 4, 2024 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance:	A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157) – Accessory Dwelling Units. See attached amendment summary.
Location:	Within the planning jurisdiction of Fort Wayne.
Applicant:	The Fort Wayne Plan Commission and Housing Options Review Work Group

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

Effect of Passage:	The primary objective of the Housing Options Review Work Group is to implement housing related policies and action steps in the All In Allen Comprehensive Plan related to encouraging the development of more diverse housing options in Fort Wayne and Allen County. This amendment for the Fort Wayne Zoning Ordinance is the first phase of the Housing Options Review Work Group's proposed changes.
Effect of Non-Passage:	The City of Fort Wayne will not address the issues identified with regard to housing options in the zoning ordinance.

Department of Planning Services

Memo

To: Fort Wayne Plan Commission

From: Dave Schaab, Senior Land Use Planner – Special Projects Division

Date: 9/10/2024

Subject: Accessory Dwelling Unit Amendment Initiation

The Department of Planning Services is requesting the Fort Wayne Plan Commission to initiate the Accessory Dwelling Unit Amendment for the Fort Wayne Zoning Ordinance. This amendment has been developed by the Housing Options Review Work Group which is comprised of staff from the Allen County Department of Planning Services and the Fort Wayne Community Development Division. The primary objective of this Work Group is to implement housing related policies and action steps in the All In Allen Comprehensive Plan related to encouraging the development of more diverse housing options in Fort Wayne and Allen County. The work group has spent the past year reviewing existing policies and ordinances, conducting research on other communities, determining policies and standards that may be limiting housing options, and developing recommended amendments to those standards. This Accessory Dwelling Unit Amendment for the Fort Wayne Zoning Ordinance is the first phase of the Housing Options Review Work Group's proposed changes.

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

(D) Accessory Buildings, Structures, and Uses

Accessory buildings, **structures,** and **uses** shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ~~(1)~~	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels** (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes: (1) ~~If integrated into a **single family detached** dwelling, and if there is no freestanding **accessory dwelling unit** on the property; the integrated **accessory dwelling unit** shall be at least 300 square feet~~		

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

(E) Development Standards

(1) The standards in the following table shall apply in the AR **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 [1]
Accessory structures	On **lots** of less than two (2) acres served by an **on-site sewage system**, new detached **accessory building** square footage shall be less than the square footage of the **primary building**
Number of buildings permitted on a lot	
Two freestanding **single family dwelling** units are permitted: one primary single **family** detached **residential building** per **lot**, plus: One freestanding single family~~accessory~~ **dwelling unit**~~, if there is no integrated accessory dwelling unit on the lot~~	
Multiple primary **nonresidential buildings** are permitted per **lot**	
Height (maximum) [2]	
Accessory building	25′
Primary building	40′
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
Public sewer	75′
Private sewage disposal	120′
Front yard	
Platted lot	25′ (or platted **front building line**, whichever is greater)
Unplatted lot if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	 115′ from the centerline of the **street** 65′ from the centerline of the **street** 30′ from the **easement**
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)
Through lot	As noted above, at each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	15′ 15′ if the **lot** is at or over 150′ wide 7′ if the **lot** is less than 150′ wide
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial** or **collector street**)
Accessory structure [5]	3′ from a side or **rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing **single family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

(D) Accessory Buildings, Structures and Uses

Accessory buildings, **structures**, and **uses** shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit (1)	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	Solar panels (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes: (1) ~~If integrated into a **single family detached** dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Dumpster (1)
Grill 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	
Notes: (1) Also permitted for **nonresidential uses**	

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	 15′ 5′
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** or **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** or **walls**) shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a retaining **wall** of up to 3′ in height) shall meet a 5′ **setback**; an **ornamental fence** or a retaining **wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial** or **collector street**)
Accessory structure [5]	3′ from a side or **rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:

(1) Excluding basement and attached **garage** area

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

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

(4) A single **story addition** to an existing single **family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less

(5) Excluding **swimming pools**

(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

(16) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);

(17) **Home business** (see §157.503(D)(3)(b) for additional standards);

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

(19) Instruction/training/education (transitional use);

(20) Live-work unit (transitional use);

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

(22) Medical office (transitional use);

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

(24) Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1))):

~~(24)~~(25) Museum;

~~(25)~~(26) Nature preserve (that includes a structure or parking area);

~~(26)~~(27) Neighborhood facility;

~~(27)~~(28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

~~(28)~~(29) **Personal service** (**transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);

~~(29)~~(30) **Professional office/business service** (transitional use, excluding bank, credit union, loan office, or savings and loan);

~~(30)~~(31) Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);

~~(31)~~(32) Religious institution or non-public school illuminated athletic field(s);

~~(32)~~(33) Residential facility for a court-ordered re-entry program;

~~(33)~~(34) Residential facility for homeless individuals (for up to eight (8) individuals);

~~(34)~~(35) **Sign** (temporary **subdivision** direction);

~~(35)~~(36) Solar panel (ground mounted);

~~(36)~~(37) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;

~~(37)~~(38) Studio (transitional use);

~~(38)~~(39) **Utility facility, private** (not otherwise permitted or exempt);

~~(39)~~(40) Wind energy conversion system, micro (for single family detached dwellings on unplatted land only); and

~~(40)~~(41) Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres).

(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 ~~(1)~~	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels** (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes: (1) ~~If integrated into a single **family** detached dwelling, the integrated **accessory dwelling unit** shall be at least 300 square feet~~		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Dumpster (1)
Grill 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	
Notes: (1) Also permitted for **nonresidential uses**	

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	 15′ 5′
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial or collector street**)
Accessory structure [5]	3′ from a side or **rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing single **family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

(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 ~~(1)~~	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels** (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes: (1) ~~If integrated into a **single family detached** dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Dumpster (1)
Grill 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	
Notes: (1) Also permitted for **nonresidential uses**	

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	 15′ 5′
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ if **adjacent** to a collector or **arterial street**
Accessory structure [5]	3′ from a **side or rear lot line** [6]
Swimming pool	6′ from a **side** or **rear lot line** [6]
Multiple family building and complex perimeter setback	
One **story building**	25′
Two **story building**	30′
Three **story** or above **building**	40′
Multiple family complex building separation	
Multiple **family building**	25′ (separation from any other primary multiple **family building**)
Condominium building	10′ (**side yard** separation from the side of another primary single or two **family building**)
Townhouse **building**	10′ (separation from the side of another primary townhouse **building**) 20′ (separation from the front or rear of another primary townhouse **building**)

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing single **family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less.
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

(D) Accessory Buildings, Structures and Uses

Accessory buildings, structures, and **uses** shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ~~(1)~~	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels (building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	

Notes:
(1) ~~If integrated into a **single family detached** dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Dumpster (1)
Grill 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	

Notes:
(1) Also permitted for **nonresidential uses**

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	 15′ 5′
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ if **adjacent** to a collector or **arterial street**
Accessory structure [5]	3′ from a **side or rear lot line** [6]
Swimming pool	6′ from a **side** or **rear lot line** [6]
Multiple family building and complex perimeter setback	
One **story building**	25′
Two **story building**	30′
Three **story** or above **building**	40′
Multiple family complex building separation	
Multiple **family building**	25′ (separation from any other primary multiple **family building**)
Condominium building	10′ (**side yard** separation from the side of another primary single or two **family building**)
Townhouse **building**	10′ (separation from the side of another primary townhouse **building**) 20′ (separation from the front or rear of another primary townhouse **building**)

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) in (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing single **family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

(D) Accessory Buildings, Structures and Uses

Accessory buildings, structures, and **uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ~~(1)~~	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels (building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	

Notes:
(1) ~~If integrated into a single **family** detached dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Dumpster (1)
Grill 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	

Notes:
(1) Also permitted for **nonresidential uses**

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	 15′ 5′
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial** or **collector street**)
Accessory structure [5]	3′ from a **side or rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers**) and Exceptions for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing single **family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(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′
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal)	Not permitted [4]	Not permitted [4]	Not permitted [4]
Deck, landing or **porch**, open (shall not extend above the height of the first floor)	May project up to 8′	May project up to 4′ [3]	May project up to 10′
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [4]	Permitted	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Slab on grade **patio**	May project up to 8′	May project up to 4′ [3]	May project up to 20′
Stoop	Permitted [2]	May project up to 4′ [3]	Permitted [2]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [2]	Permitted [2]

Notes:

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

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

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

(4) Shall meet minimum **setback**

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

Note:
(1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted. ~~If integrated into a single **family** detached dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~

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

Note:
(1) Also permitted for **nonresidential uses**

(E) 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 [1]	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels** (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	

Note:
(1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted. ~~If integrated into a **single family detached** dwelling; the integrated **accessory dwelling unit** shall be at least 300 square feet~~

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

Note:
(1) Also permitted for **nonresidential uses**

(E) **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 [1]	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels** (**building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
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Note:

(1) Also permitted for **nonresidential uses**

(C) Special Uses

~~(1) Accessory dwelling units (ADU);~~

~~An **ADU** may be constructed as a new detached **structure** or created as part of the **renovation** of a detached **garage**. An **ADU** shall not be **subdivided** or otherwise separated in ownership from the primary residential **structure**. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:~~

~~(a) The **accessory dwelling unit (ADU)** shall not exceed 40% of the floor area of the primary residence or 800 total square feet, whichever is less;~~

~~(b) The **ADU** shall not exceed 600 square feet in **ground floor area**;~~

~~(c) The **ADU** shall be no less than 250 square feet and have no more than two (2) bedrooms;~~

~~(d) New **ADU structures** shall be located behind the **primary structure** and meet the **setback**, height, and **rear yard lot coverage** standards for **accessory structures**;~~

~~(e) There shall be only one **ADU** per **lot**; and~~

~~(f) As part of its review of a request for an **ADU**, the **Board** may also consider the size, bulk, scale and compatibility of the **ADU**, relative to the primary residence and other **structures** in the immediate area, and the size of the **lot**.~~

~~(2)~~(1) **Animal keeping** (outdoor, small animal);

~~(3)~~(2) Artisan space (available in the **Riverfront Overlay District** only, to allow for an artisan space **use** not otherwise listed);

~~(4)~~(3) Boarding house;

~~(5)~~(4) Child care home (class II);

~~(6)~~(5) Community garden that includes a structure;

~~(7)~~(6) **Container home** (see §157.503(D)(3)(h) for additional standards);

~~(8)~~(7) **Educational institution**-associated **uses** (on non-contiguous properties, not otherwise permitted);

~~(9)~~(8) Fraternity house;

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Note:
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(2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	**Required Yard**		
	Front	**Side**	**Rear**
Access ramp	Permitted [1]	Permitted [1]	Permitted [1]
Arbor, basketball goal, bird bath/house/feeder, **driveway**, flagpole, garden (private), **landscape elements**, mail/newspaper delivery box, property boundary marker, **small satellite dish**, **trellis**, **yard light**	Permitted [1]	Permitted [1]	Permitted [1]
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow **window**, or similar feature)	May project up to 2′	May project up to 2′	May project up to 2′
Awning or **canopy** [4]	May project up to 4′	May project up to 4′ [2]	May project up to 4′ [3]
Balcony or open stairway [4]	May project up to 4′	May project up to 4′ [2]	May project up to 4′ [3]
Accessory Dwelling Unit, Bath house/cabana, **carport**, **garage**, **gazebo**, **greenhouse**, pergola, **shed**, smoke house (personal), **swimming pool**	Not permitted [5]	Not permitted [5]	Not permitted [5]
Deck, landing or **porch**, open (shall not extend above the height of the first floor) [4]	May project up to 8′	May project up to 4′ [2]	May project up to 8′ [3]
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), **play equipment**, radio antenna (amateur), **large satellite dish**, tree house	Not permitted [5]	Not permitted [5]	Permitted
Fence (ornamental, permitted up to 3′ in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8′ in height)	Not permitted [4]	Permitted [5]	Permitted [5]
Fire escape	May project up to 4′	May project up to 4′	May project up to 4′
Slab on grade **patio**	May project up to 8′	May project up to 4′ [2]	May project up to 8′ [3]
Stoop	Permitted [1]	May project up to 4′ [2]	Permitted [1]
Wall (freestanding; permitted up to 8′ in height)	Not permitted [5]	Permitted [6]	Permitted [6]
Wall (retaining, up to 3′ in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3′ in height)	Not permitted [4]	Permitted [5]	Permitted [5]

Notes:

(1) May be located within required **yard** with no **setback**

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

(3) However, a 5′ **rear yard** shall be maintained

(4) If not **adjacent** to a **residential district**; shall not project if **adjacent** to a **residential district**

(5) Shall meet minimum **primary structure setback**

(6) However, **fences** and **walls** shall meet **corner lot primary structure setback** standard

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Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly **building**, including hall and gymnasium
Class I child care home	Bleachers or similar **structures**
Day care	**Child care ministry**
Dog/pet house	Clothing bank
Garage or **yard sale**	**Community garden**
Garden (private)	**Convent**, parsonage, rectory, or similar residence
Greenhouse	Donation site/**recycling collection point** (1)
Grill or fire pit	Dumpster (1)
4H/similar indoor small animal project	**Family** counseling or **education**
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance **building**
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	**Shop** (for sale of **religious institution** related items)

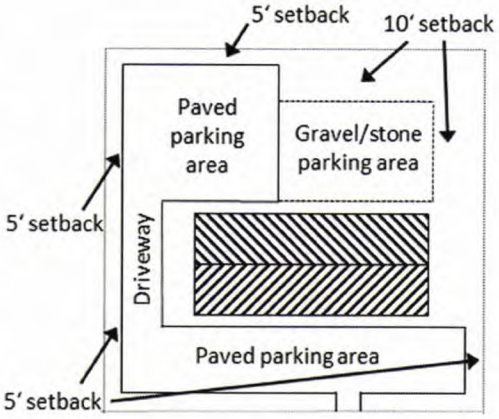
Note:
(1) Also permitted for **nonresidential uses**

(b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.

(c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.

(d) In DC and DE **districts**, off-street parking shall not be located in front of or on the side of any new **structure**.

(e) In UC **districts**, **parking areas** shall be located a minimum of twenty 20 feet from any **front lot line**; and new **parking areas** in these **districts** are only permitted where there is an adequate existing **alley** access and a new **driveway** onto the primary commercial **street** is not required.



(3) Compliance with the Americans with Disabilities Act

The design and construction of all new off-street **parking areas** shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

(4) Maintenance

Off-street parking spaces and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-Street Parking Requirements

(1) General Requirement

(a) Where applicable and required, **off-street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §157.407(D)(2).

(b) For **uses** that require off-street stacking spaces, additional stacking space may be required as part of the approval of a Development Plan, if the **Plan Commission** determines that they are necessary for traffic safety purposes.

(c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a **multiple family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.

(d) The following **uses** shall not have a minimum off-street parking requirement:

(i) Accessory Dwelling Unit

~~(i)~~(ii) Airport;

~~(ii)~~(iii) Community garden;

~~(iii)~~(iv) Cemetery;

~~(iv)~~(v) Fairground;

~~(v)~~(vi) Hospital;

~~(vi)~~(vii) Nature preserve;

~~(vii)~~(viii) Parking structures;

(D) Special Uses

(1) List of Special Uses

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

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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Accessory building conversion to a single **family** dwelling	AR
Accessory building, as a **primary building**, on a site of at least five (5) acres	AR
~~**Accessory dwelling units (ADU)**~~	~~DE~~
Airstrip/heliport (for corporate or multiple **owner use**)	AR
Animal 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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Gas station	C2 and NC (except when a **gas station** site is **adjacent** to a **residential district**, or is on a **street** that is directly opposite from a **residential district**), and DE, I1 and I2
Golf course	R1, R2, R3, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) [1]	AR, R1, R2, R3, RP, MHS, DC, DE and UC
Group residential facility (large) (if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Group residential facility (small)	DC, DE and UC
Growing/processing/raising of natural products	I1
Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)	R1, R2, R3, RP, and MHS
Home business [2]	AR, R1, R2, R3, RP, MHS and DC
Home business (in an existing single family detached dwelling only) [2]	C1, C2, NC, SC, C3, C4, DE, and UC
Home enterprise [2]	AR
Home workshop [2]	AR
Homeless shelter (accessory to a **religious institution**, for up to eight (8) individuals)	AR, R1, R2, R3, RP and MHS
Homeless shelter (accessory to a **religious institution**)	DC, DE and UC
Homeless shelter (if adjacent to a residential district or accessory to a **religious institution**)	C1, C2, NC, SC, C3 and C4
Illuminated **recreation field** (if **adjacent** to a **residential district**)	BTI, I1, I2 and I3
Instruction/training/education (transitional use)	R1, R2, R3, RP and MHS
Junk yard (outdoor)	I2
Live-work unit (transitional use)	R1, R2, R3, RP and MHS
Manufactured home, Type II [2]	AR, R1, R2, R3, RP, C1, C2, NC, SC, C3, C4, DE and UC
Medical office (transitional use)	R1, R2, R3, RP and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, R1, R2, R3, RP and MHS
Model unit (for an extension of time or expansion of scope)	DC and DE
Motor vehicle storage yard	I2
Multiple Family Dwelling (transitional use, up to ten (10) units	R2
Museum	R1, R2, R3, RP and MHS
Nature preserve (that includes a **structure** or **parking area**)	AR, R1, R2, R3, RP, MHS, DE and UC
Neighborhood facility	AR, R1, R2, R3, RP and MHS

§ 157.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

(A) Rules of Usage

(1) Words used in the present tense shall also include the future tense.

(2) The singular shall include the plural: and the plural shall include the singular.

(3) The word "shall" is mandatory; the words "may" or "should" are permissive.

(4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

(B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building**, **structure**, or **use**, and ordinarily located on the same **lot** with that **primary building**, **structure**, or **use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** shall be subordinate to a primary ~~single **family**~~ residential **structure**. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. ~~Examples of a~~An integrated **accessory dwelling unit** shall include no separate ~~primary~~ entrance~~s~~ on the front-facing façade of the building~~, no separate utility metering, or internal access between the **accessory dwelling unit** and the rest of the residence~~. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles.

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

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

Accessory Structure, Nonresidential

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

(1) Are located on the same **lot**, **tract**, or **development site** as the primary **nonresidential building** or **use**;

Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and

Are subordinate to and serving a **primary building** or **use**.

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more **families** living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. 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)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

Dwelling, Two Family

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

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

Easement

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

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an arterial or collector roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this **use**.

Trellis

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

Truck Depot/Terminal

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

Truck Fueling Station

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

Truck Stop

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

FACT SHEET

Case # ZORD-2024-0005	Bill # G-24-10-20	Project Start: October 2024

APPLICANT:	Fort Wayne Plan Commission
REQUEST:	To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections: Section 157.200 (Zoning Districts) Section 157.400 (Additional General Standards) Section 157.500 (Administration)
AFFECTED AREA:	Fort Wayne planning jurisdiction
COUNCIL DISTRICT:	All
SPONSOR:	City of Fort Wayne Plan Commission

November 4, 2024 Public Hearing

- Four people spoke in support.
- One person spoke in opposition.
- Four letters in support and one letter in opposition were received.
- Rachel Tobin-Smith, Paul Sauerteig, and Amos Norman were absent.

January 27, 2025 Business Meeting
Plan Commission Recommendation: DO PASS
A motion was made by Scott Myers and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
7-0 MOTION PASSED

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
February 21, 2025

PROJECT SUMMARY

This public hearing is for the next phase of the housing related ordinance amendment project. This amendment has been developed by the Housing Options Review Work Group, which is comprised of staff from the Allen County Department of Planning Services and the Fort Wayne Community Development Division. The primary objective of this work group is to implement housing related policies and action steps in the All In Allen Comprehensive Plan related to encouraging the development of more diverse housing options in Fort Wayne and Allen County. The work group has spent the past year reviewing existing policies and ordinances, conducting research on other communities, determining policies and standards that may be limiting housing options, developing recommended amendments to those standards, and meeting with contractors, developers, real estate agents, and neighborhood representatives. This Accessory Dwelling Unit Amendment for the Fort Wayne Zoning Ordinance is the first phase of the Housing Options Review Work Group's proposed changes.

This set of accessory dwelling unit amendments is proposed to:

1) Identify issues and elements of the current zoning ordinance 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 2024 accessory dwelling unit amendments is attached; the proposed effective date is March 1, 2025. To maintain alignment with Allen County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances may also be amended.

PUBLIC HEARING SUMMARY:

Presenter: Dave Schaab, Principle Planner for Special Projects, presented the request as outlined above.

Public Comments:
John Hoffman-Board of SEAP and Westwood Fairway (5000 N Washington Rd) – In support, but many Plan Commission comments should be considered; Air BnB a concern; need more consideration; petition was presented to the President's meeting and Quadrant meetings.
Beth Goldsmith (14818 Gateside Dr) – In support; need more housing options; distributed Zimmerman Volk Study regarding Allen County future growth and housing affordability.
Jeremy McClish (2020 E Washington Blvd) – In support; works with Habitat for Humanity.
Thomas Schriner (2215 Kensington Blvd) – In support; likes the options for young adults; affordability for kids starting out.
Thomas Obergfell (1719 Forest Park Blvd) – Opposed; old neighborhoods do not have covenants; proposal too wide reaching; density and parking will be problems; Hannah and Creighton was later mitigated after this same type of action.

Closing Comments: Dave Schaab stated they will look into these items. The Comp Plan does encourage density. Beth Morales stated this amendment only applies in Residential districts, not Commercial or Industrial.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

ZORD-2024-0005 – Accessory Dwelling Units Provision
Amendment to Chapter 157 of the Fort Wayne City Code

APPLICANT:	Fort Wayne Plan Commission
REQUEST:	To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections: Section 157.200 (Zoning Districts) Section 157.400 (Additional General Standards) Section 157.500 (Administration)
AFFECTED AREA:	Fort Wayne planning jurisdiction

The Plan Commission returns Zoning Ordinance Amendment ZORD-2024-0005, as amended by Plan Commission on January 27, 2025, to Council with a Do Pass recommendation.

These findings approved by the Fort Wayne Plan Commission on January 27, 2025.

Benjamin J. Roussel
Executive Director
Secretary to the Commission

2024 ~~Allen County and~~ Fort Wayne Zoning Ordinance

Accessory Dwelling Unit (ADU) Amendment Summary

This set of accessory dwelling unit 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 2024 accessory dwelling unit amendments is below; the proposed effective date is March 1, 2025. 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**
~~ABSU 1~~	~~Accessory Buildings, Structures, and Uses Table FW (20-55, 125, 133) AC (17-51)~~	~~157.203 (D) / 3-2-3-4 Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure.~~	~~Removed existing "(1)" footnote in the A1, A3, AR, R1, R2, R3, RP, MHS, DE, and UC Zoning Districts.~~
SU 1	Special Uses FW (18-53, 121-131)	157.203 (C) at al Freestanding Accessory Dwelling Units are to be a Special Use.	Added, "Accessory Dwelling Unit (freestanding)" to the Special Uses section of the AR, R1, R2, R3, RP, MHS, DE, and UC Zoning Districts.
DS 1	Development Standards FW (21) AC (18 and 25)	157.203 (E) (1) / 3-2-3-5 (a) There is confusion concerning accessory dwelling units in the 'number of buildings permitted on a lot' section of the development standards table.	Replaced, "accessory" with, "single family" and removed, "if there is no integrated accessory dwelling unit on the lot" in the A1, A3, and AR zoning districts.
DS 2	Development Standards FW (22 et al) AC (19 et al)	157.206 (E) (1) et al 3-2-3-5 (a) et al There is confusion concerning Corner Lot Setbacks.	Changed " 50' " to " 70' " and removed, "an addition to" in both places of the third bullet point in the corner lot section of the development standards table in A1, A3, AR, R1, R2, R3, RP, and MHS zoning districts.
~~DS 3~~	~~Development Standards FW (23 et al) AC (20 et al)~~	~~157.206 (E) (2) et al 3-2-3-5 (b) et al Accessory Dwelling Units are not included in the Additional Yard Location and Yard Projection Standards Table.~~	~~Added, "Accessory Dwelling Unit" to the "Bath house/cabana, carport, garage, gazebo, greenhouse, pergola, shed, smoke house (person)" table row in the A1, A3, AR, R1, R2, R3, RP, MHS, and UC Zoning Districts.~~
SU 2~~1~~	Special Uses FW (31) AC (35)	157.207 (C) / 3-2-7-3 Transitional Uses exclude certain residential uses that should be considered Transitional Uses.	Added, "Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1)));" to the Special Uses section of the R2 zoning district.

Draft Summary of Amendments			
No.	**Keyword/Reference ~~AC/~~FW**	**Issue**	**Proposed Amendments**
ABSU 2	Accessory Buildings, Structures, and Uses Table FW (2066~~-114, 138-~~ 169) AC (62-138)	157.212 (D) / 3-2-12-4 Integrated Accessory Dwelling Units only are to be permitted as an accessory to a primary residential structure in all~~Commercial and Industrial~~ Zoning Districts.	Removed existing "(1)" note and ~~added~~~~replaced with~~, "(Integrated)" to accessory dwelling ~~units only. Freestanding accessory dwelling units are not permitted."~~ In the AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2, and I3 Zoning Districts.
SU 2	Special Uses FW (121)	157.219 (C) Freestanding Accessory Dwelling Units are to be a Special Use~~permitted~~ as an accessory to a primary residential structure in the DE zoning district.	Removed ADU Special Use language in the DE zoning district.
PARK 1	Parking Requirements FW (228) AC (195)	157.407 (D) (1) (d) 3-4-7-4 (a) (4) No parking requirement is defined for Accessory Dwelling Units	Added "Accessory dwelling unit" to the following uses shall not have a minimum off-street parking requirement list.
PRO 1	Procedures FW (351) AC (307)	157.503 (D) (1) / 3-5-3-4 (a) Special Use Zoning Districts in the Special Uses Table need to be updated accordingly.	Updated Special Uses Table Accordingly.
DEF 1	Accessory Dwelling Unit FW (377) AC (329)	157.506 (B) / 3-5-6-2 Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure	Changed the definition to read, "An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit shall be subordinate to a primary residential structure. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated accessory dwelling unit shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. An integrated accessory dwelling unit shall include no separate entrance on the front-facing façade of the building. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles."

Draft Summary of Amendments			
No.	**Keyword/Reference ~~AC/~~FW**	**Issue**	**Proposed Amendments**
DEF 2	Dwelling, Single Family (Detached) FW (405) AC (357)	157.506 (B) / 3-5-6-2 Align and update language concerning the minimum square footage of a single family dwelling.	Added, "The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable." to the definition.
DEF 3	Dwelling, Two Family FW (405) AC (357)	157.506 (B) / 3-5-6-2 Align and update language concerning the minimum square footage of a two family dwelling.	Added, "if applicable." to the definition.
DEF 4	Transitional Use FW (449) AC (403)	157.506 (B) / 3-5-6-2 Update definition to include street classifications identified as transitional.	Added, "or collector" to the Transitional Use definition.

Same Revisions have also been made in R1, R2, R3, RP, MHS, DE, and UC Zoning Districts

(C) Special Uses

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

(1) Accessory building conversion to a single family dwelling;

(2) **Accessory building**, as a **primary building**, on a site of at least five (5) acres;

(3) **Accessory dwelling unit** (freestanding);

~~(3)~~(4) **Airstrip/heliport** (corporate or multiple **owner use**);

~~(4)~~(5) Bed and breakfast;

~~(5)~~(6) Boarding house;

~~(6)~~(7) Class II child care home;

~~(7)~~(8) Community garden that includes a structure;

~~(8)~~(9) **Container home** (see §157.503(D)(3)(h) for additional standards);

~~(9)~~(10) Country club;

~~(10)~~(11) **Educational institution** (not otherwise permitted);

~~(11)~~(12) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);

~~(12)~~(13) Funeral home;

~~(13)~~(14) Group residential facility (large);

~~(14)~~(15) **Home business** (see §157.503(D)(3)(b) for additional standards);

~~(15)~~(16) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);

~~(16)~~(17) **Home workshop** (see §157.503(D)(3)(d) for additional standards);

~~(17)~~(18) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);

~~(18)~~(19) **Manufactured home, Type II** (see §157.503(D)(3)(e) for additional standards);

~~(19)~~(20) **Model home** (for an extension of time or expansion of scope);

~~(20)~~(21) Nature preserve (that includes a structure or parking area);

~~(21)~~(22) Neighborhood facility;

~~(22)~~(23) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

~~(23)~~(24) Reception, meeting, or **recreation** hall; **clubhouse**;

~~(24)~~(25) Recreation area;

~~(25)~~(26) Recreation facility;

~~(26)~~(27) Religious institution or non-public school illuminated athletic field(s);

~~(27)~~(28) Residential facility for a court-ordered re-entry program;

~~(28)~~(29) Residential facility for homeless individuals (for up to eight (8) individuals);

~~(29)~~(30) **Riding stable, nonresidential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five (5) acres);

Same Revisions have also been made in R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2 and I3 Zoning Districts

(D) Accessory Buildings, Structures, and Uses

Accessory buildings, **structures,** and **uses** shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit~~(1)~~ (integrated)	**Hedge**	**Satellite dish**
Access ramp	**Holiday decorations**	**Sign**
Address marker	**Landscape elements**	**Solar panels (building** mounted)
Arbor or pergola	Mailbox	**Swimming pool**
Bird bath/house	**Name plate**	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	**Patio**	**Trellis**
Driveway	**Play equipment**	**Utility fixture**
Fence	Pond	Walk
Flagpole	Property boundary marker	**Wall**
Garage	Radio antenna (amateur)	**Yard light**
Gazebo	Rain barrel	
Geothermal system	Rain garden	

Notes:
(1) ~~If integrated into a **single family detached** dwelling, and if there is no freestanding **accessory dwelling unit** on the property; the integrated **accessory dwelling unit** shall be at least 300 square feet~~

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

Notes:
(1) Also permitted for **nonresidential uses**

(E) Development Standards

(1) The standards in the following table shall apply in the AR **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 (1)
Accessory structures	On **lots** of less than two (2) acres served by an **on-site sewage system**, new detached **accessory building** square footage shall be less than the square footage of the **primary building**
Number of buildings permitted on a lot	
Two freestanding **single family dwelling** units are permitted: one primary single **family** detached **residential building** per **lot**, plus: One freestanding single family~~accessory~~ **dwelling unit**~~, if there is no integrated accessory dwelling unit on the lot~~	
Multiple primary **nonresidential buildings** are permitted per **lot**	
Height (maximum) (2)	
Accessory building	25′
Primary building	40′
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
Public sewer	75′
Private sewage disposal	120′
Front yard	
Platted lot	25′ (or platted **front building line**, whichever is greater)
Unplatted lot if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	 115′ from the centerline of the **street** 65′ from the centerline of the **street** 30′ from the **easement**
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)
Through lot	As noted above, at each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)

Same Revisions have also been made in R1, R2, R3, RP, and MHS Zoning Districts

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	15′ 15′ if the **lot** is at or over 150′ wide 7′ if the **lot** is less than 150′ wide
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 750′, ~~an addition to~~ a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial** or **collector street**)
Accessory structure [5]	3′ from a side or **rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing **single family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

~~(15)~~(16) Group residential facility (large);

~~(16)~~(17) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);

~~(17)~~(18) **Home business** (see §157.503(D)(3)(b) for additional standards);

~~(18)~~(19) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);

~~(19)~~(20) Instruction/training/education (transitional use);

~~(20)~~(21) Live-work unit (transitional use);

~~(21)~~(22) **Manufactured home**, **Type II** (see §157.503(D)(3)(e) for additional standards);

~~(22)~~(23) Medical office (transitional use);

~~(23)~~(24) **Model home** (for extension of time or expansion of scope);

(25) Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1)));

~~(24)~~(26) Museum;

~~(25)~~(27) Nature preserve (that includes a structure or parking area);

~~(26)~~(28) Neighborhood facility;

~~(27)~~(29) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**, excluding **gas station uses**);

~~(28)~~(30) **Personal service** (**transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);

~~(29)~~(31) **Professional office/business service** (transitional use, excluding bank, credit union, loan office, or savings and loan);

~~(30)~~(32) Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);

~~(31)~~(33) Religious institution or non-public school illuminated athletic field(s);

~~(32)~~(34) Residential facility for a court-ordered re-entry program;

~~(33)~~(35) Residential facility for homeless individuals (for up to eight (8) individuals);

~~(34)~~(36) **Sign** (temporary **subdivision** direction);

~~(35)~~(37) Solar panel (ground mounted);

~~(36)~~(38) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;

~~(37)~~(39) Studio (transitional use);

~~(38)~~(40) **Utility facility, private** (not otherwise permitted or exempt);

~~(39)~~(41) Wind energy conversion system, micro (for single family detached dwellings on unplatted land only); and

~~(40)~~(42) Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres).

(C) Special Uses

(1) **Accessory dwelling unit**~~**s**~~ (freestanding~~ADU~~);

~~An **ADU** may be constructed as a new detached **structure** or created as part of the **renovation** of a detached **garage**. An **ADU** shall not be **subdivided** or otherwise separated in ownership from the primary residential **structure**. In addition to meeting the requirements set forth in §157.503(D)(2), the **Board** shall evaluate the request based on the following standards and guidelines:~~

~~(a) The **accessory dwelling unit (ADU)** shall not exceed 40% of the floor area of the primary residence or 800 total square feet, whichever is less;~~

~~(b) The **ADU** shall not exceed 600 square feet in **ground floor area**;~~

~~(c) The **ADU** shall be no less than 250 square feet and have no more than two (2) bedrooms;~~

~~(d) New **ADU structures** shall be located behind the **primary structure** and meet the **setback**, height, and **rear yard lot coverage** standards for **accessory structures**;~~

~~(e) There shall be only one **ADU** per **lot**; and~~

~~(f)~~(a) ~~As part of its review of a request for an **ADU**, the **Board** may also consider the size, bulk, scale and compatibility of the **ADU**, relative to the primary residence and other **structures** in the immediate area, and the size of the **lot**.~~

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

(3) Artisan space (available in the **Riverfront Overlay District** only, to allow for an artisan space **use** not otherwise listed);

(4) Boarding house;

(5) Child care home (class II);

(6) Community garden that includes a structure;

(7) **Container home** (see §157.503(D)(3)(h) for additional standards);

(8) **Educational institution**-associated **uses** (on non-contiguous properties, not otherwise permitted);

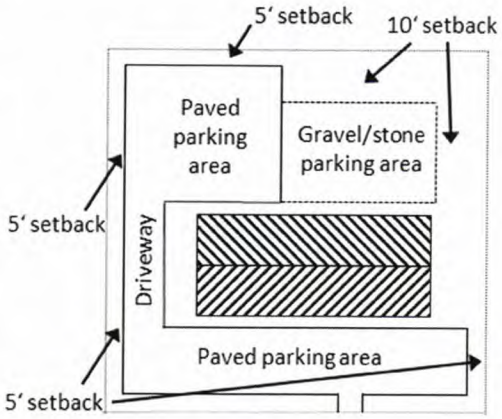
(9) Fraternity house;

(b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.

(c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.

(d) In DC and DE **districts**, off-street parking shall not be located in front of or on the side of any new **structure**.

(e) In UC **districts**, **parking areas** shall be located a minimum of twenty 20 feet from any **front lot line**; and new **parking areas** in these **districts** are only permitted where there is an adequate existing **alley** access and a new **driveway** onto the primary commercial **street** is not required.



(3) Compliance with the Americans with Disabilities Act

The design and construction of all new off-street **parking areas** shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

(4) Maintenance

Off-street parking spaces and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-Street Parking Requirements

(1) General Requirement

(a) Where applicable and required, **off-street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §157.407(D)(2).

(b) For **uses** that require off-street stacking spaces, additional stacking space may be required as part of the approval of a Development Plan, if the **Plan Commission** determines that they are necessary for traffic safety purposes.

(c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a **multiple family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.

(d) The following **uses** shall not have a minimum off-street parking requirement:

(i) Accessory Dwelling Unit

~~(i)~~(ii) Airport;

~~(ii)~~(iii) Community garden;

~~(iii)~~(iv) Cemetery;

~~(iv)~~(v) Fairground;

~~(v)~~(vi) Hospital;

~~(vi)~~(vii) Nature preserve;

~~(vii)~~(viii) Parking structures;

(D) Special Uses

(1) List of Special Uses

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

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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Accessory building conversion to a single **family** dwelling	AR
Accessory building, as a **primary building**, on a site of at least five (5) acres	AR
Accessory dwelling units (freestanding~~**ADU**~~)	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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Gas station	C2 and NC (except when a **gas station** site is **adjacent** to a **residential district**, or is on a **street** that is directly opposite from a **residential district**), and DE, I1 and I2
Golf course	R1, R2, R3, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) (1)	AR, R1, R2, R3, RP, MHS, DC, DE and UC
Group residential facility (large) (if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Group residential facility (small)	DC, DE and UC
Growing/processing/raising of natural products	I1
Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)	R1, R2, R3, RP, and MHS
Home business (2)	AR, R1, R2, R3, RP, MHS and DC
Home business (in an existing single family detached dwelling only) (2)	C1, C2, NC, SC, C3, C4, DE, and UC
Home enterprise (2)	AR
Home workshop (2)	AR
Homeless shelter (accessory to a **religious institution**, for up to eight (8) individuals)	AR, R1, R2, R3, RP and MHS
Homeless shelter (accessory to a **religious institution**)	DC, DE and UC
Homeless shelter (if adjacent to a residential district or accessory to a **religious institution**)	C1, C2, NC, SC, C3 and C4
Illuminated **recreation field** (if **adjacent** to a **residential district**)	BTI, I1, I2 and I3
Instruction/training/education (transitional use)	R1, R2, R3, RP and MHS
Junk yard (outdoor)	I2
Live-work unit (transitional use)	R1, R2, R3, RP and MHS
Manufactured home, Type II (2)	AR, R1, R2, R3, RP, C1, C2, NC, SC, C3, C4, DE and UC
Medical office (transitional use)	R1, R2, R3, RP and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, R1, R2, R3, RP and MHS
Model unit (for an extension of time or expansion of scope)	DC and DE
Motor vehicle storage yard	I2
Multiple Family Dwelling (transitional use, up to ten (10) units)	R2
Museum	R1, R2, R3, RP and MHS
Nature preserve (that includes a **structure** or **parking area**)	AR, R1, R2, R3, RP, MHS, DE and UC
Neighborhood facility	AR, R1, R2, R3, RP and MHS

§ 157.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

(A) Rules of Usage

(1) Words used in the present tense shall also include the future tense.

(2) The singular shall include the plural: and the plural shall include the singular.

(3) The word "shall" is mandatory; the words "may" or "should" are permissive.

(4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

(B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building**, **structure**, or **use**, and ordinarily located on the same **lot** with that **primary building**, **structure**, or **use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** shall be subordinate to a primary ~~single **family**~~ residential **structure**. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. ~~Examples of a~~An integrated **accessory dwelling unit** shall include no separate ~~primary~~ entrance~~s~~ on the front-facing façade of the building~~, no separate utility metering, or internal access between the **accessory dwelling unit** and the rest of the residence~~. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles.

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

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

Accessory Structure, Nonresidential

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

(1) Are located on the same **lot**, **tract**, or **development site** as the primary **nonresidential building** or **use**;

Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and

Are subordinate to and serving a **primary building** or **use**.

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more **families** living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. 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)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

Dwelling, Two Family

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

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

Easement

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

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an arterial or collector roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this **use**.

Trellis

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

Truck Depot/Terminal

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

Truck Fueling Station

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

Truck Stop

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

#ZORD-2024-0005

BILL NO. G-24-10-20

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 (Zoning Ordinance), Section 157.200 (Zoning Districts), Section 157.400 (Additional General Standards); and Section 157.500 (Administration) are hereby amended as follows.

Amendment ABSU2- 157.203(D) through 157.224(D)

Integrated Accessory Dwelling Units only are to be permitted as an accessory to a primary residential structure in all Zoning Districts; Removed existing "(1)" note and added "(Integrated)" to accessory dwelling unit in the AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2, and I3 Zoning Districts.

Amendment DS1 - 157.203(E)

There is confusion concerning accessory dwelling units in the 'number of buildings permitted on a lot' section of the development standards table. Replaced, "accessory" with, "single family" and removed, "if there is no integrated accessory dwelling unit on the lot" in the AR zoning district.

Amendment DS2 – 157.203, 157.206(E)(1) through 157.210(E)(1)

There is confusion concerning Corner Lot Setbacks; Changed " 50' " to " 70' " and removed, "an addition to" in both places of the third bullet point in the corner lot section of the development standards table in AR, R1, R2, R3, RP, and MHS zoning districts.

Amendment SU1 – 157.203(C) through 157.210(C), 157.219(C), 157.220(C)

Freestanding Accessory Dwelling Units are to be a Special Use; Added, "Accessory Dwelling Unit (freestanding)" to the Special Uses section of the AR, R1, R2, R3, RP, MHS, DE, and UC Zoning Districts.

Amendment SU2 – 157.207(C)

Transitional Uses exclude certain residential uses that should be considered Transitional Uses; Added, "Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1)));" to the Special Uses section of the R2 zoning district.

Amendment SU3 – 157.219(C)

Freestanding Accessory Dwelling Units are to be a Special Use as an accessory to a primary residential structure in the DE zoning district; Removed ADU Special Use language in the DE zoning district.

Amendment PARK1 – 157.407(D)(1)(d)

No parking requirement is defined for Accessory Dwelling Units; Added "Accessory dwelling unit" to the following uses shall not have a minimum off-street parking requirement list.

Amendment PRO1- 157.503(D)(1)

Special Use Zoning Districts in the Special Uses Table need to be updated accordingly; Updated Special Uses Table Accordingly.

Amendment DEF1- 157.506(B)

Accessory Dwelling Units are to be permitted as an accessory to a primary residential structure; Changed the definition to read, "An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit shall be subordinate to a primary residential structure. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated accessory dwelling unit shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. An integrated accessory dwelling unit shall include no separate entrance on the front-facing façade of the building. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles."

Amendment DEF2- 157.506(B)

Align and update language concerning the minimum square footage of a single family dwelling; Added, "The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable." to the definition.

Amendment DEF3- 157.506(B)

Align and update language concerning the minimum square footage of a two family dwelling; Added, "if applicable." to the definition.

Amendment DEF4- 157.506(B)

Update definition to include street classifications identified as transitional; Added, "or collector" to the Transitional Use definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on March 1, 2025.

_____
Council Member

APPROVED AS TO FORM AND LEGALITY:

_____
Malak Heiny, City Attorney

Same Revisions have also been made in R1, R2, R3, RP, MHS, DE, and UC Zoning Districts

(C) Special Uses

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

(1) Accessory building conversion to a single family dwelling;

(2) **Accessory building**, as a **primary building**, on a site of at least five (5) acres;

(3) **Accessory dwelling unit** (freestanding);

(4) **Airstrip/heliport** (corporate or multiple **owner use**);

(5) Bed and breakfast;

(6) Boarding house;

(7) Class II child care home;

(8) Community garden that includes a structure;

(9) **Container home** (see §157.503(D)(3)(h) for additional standards);

(10) Country club;

(11) **Educational institution** (not otherwise permitted);

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

(13) Funeral home;

(14) Group residential facility (large);

(15) **Home business** (see §157.503(D)(3)(b) for additional standards);

(16) **Home enterprise** (see §157.503(D)(3)(c) for additional standards);

(17) **Home workshop** (see §157.503(D)(3)(d) for additional standards);

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

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

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

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

(22) Neighborhood facility;

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

(24) Reception, meeting, or **recreation** hall; **clubhouse**;

(25) Recreation area;

(26) Recreation facility;

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

(28) Residential facility for a court-ordered re-entry program;

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

(30) **Riding stable, nonresidential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five (5) acres);

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

Same Revisions have also been made in R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, DC, DE, UC, BTI, I1, I2 and I3 Zoning Districts

(D) Accessory Buildings, Structures, and Uses

Accessory buildings, **structures,** and **uses** shall be permitted, including but not limited to:

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

(E) Development Standards

(1) The standards in the following table shall apply in the AR **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 [1]
Accessory structures	On **lots** of less than two (2) acres served by an **on-site sewage system**, new detached **accessory building** square footage shall be less than the square footage of the **primary building**
Number of buildings permitted on a lot	
Two freestanding **single family dwelling** units are permitted: one primary single **family** detached **residential building** per **lot**, plus: One freestanding single family **dwelling unit**	
Multiple primary **nonresidential buildings** are permitted per **lot**	
Height (maximum) [2]	
Accessory building	25′
Primary building	40′
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
Public sewer	75′
Private sewage disposal	120′
Front yard	
Platted lot	25′ (or platted **front building line**, whichever is greater)
Unplatted lot if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	 115′ from the centerline of the **street** 65′ from the centerline of the **street** 30′ from the **easement**
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)
Through lot	As noted above, at each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)

Same Revisions have also been made in R1, R2, R3, RP, and MHS Zoning Districts

AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard [3]	
Interior lot Private sewage disposal Public sewer	15′ 15′ if the **lot** is at or over 150′ wide 7′ if the **lot** is less than 150′ wide
Corner lot	The **street side yard setback** shall be the same as the **front yard setback**, based on the **side lot line street** classification, except that: • On **corner lots**, if there is a platted **street side yard building** line then an **addition** to a primary residential **structure** or an **accessory structure** shall meet that platted **building** line. • If there is no platted **building** line, on a **lot** of up to 70′, a primary residential **structure** or an **accessory structure** (except for **fences** and **walls**) shall meet a 10′ **side yard setback**; on a **lot** of over 70′, a primary residential **structure** or an **accessory structure** shall meet a 25′ **side yard setback**. • For **fences** and **walls**, if there is no platted **building** line, a **fence** (except for an **ornamental fence** or a **retaining wall** of up to 3′ in height) shall meet a 5′ setback; an **ornamental fence** or a **retaining wall** of up to 3′ in height shall not have a **setback** requirement.
Rear yard	
Primary building	25′ [4] 50′ (if **adjacent** to an **arterial** or **collector street**)
Accessory structure [5]	3′ from a side or **rear lot line** [6]
Swimming pool	6′ from a side or **rear lot line** [6]

Notes:
(1) Excluding basement and attached **garage** area
(2) See §157.405(C) (**Development** Standards **Waivers** and Exceptions) for exceptions; §157.409 (**Signs**) for maximum **sign heights**; and §157.404(O) (Residential Impact **Mitigation**) and §157.411 (**Airport Overlay Districts**) for additional restrictions
(3) See **rear yard** information for **accessory structure** and **swimming pool side yard** standards
(4) A single **story addition** to an existing **single family** detached dwelling may encroach up to 10′ into the required **rear yard**, if the **addition** is 250 square feet or less
(5) Excluding **swimming pools**
(6) If located behind the **primary building**

(17) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);

(18) **Home business** (see §157.503(D)(3)(b) for additional standards);

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

(20) Instruction/training/education (transitional use);

(21) Live-work unit (transitional use);

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

(23) Medical office (transitional use);

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

(25) Multiple Family Dwelling (transitional use, up to ten (10) units, see multiple family building and complex perimeter setback and building separation requirements in R3 district (§157.208(E)(1)));

(26) Museum;

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

(28) Neighborhood facility;

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

(30) **Personal service** (**transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);

(31) **Professional office/business service** (transitional use, excluding bank, credit union, loan office, or savings and loan);

(32) Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);

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

(34) Residential facility for a court-ordered re-entry program;

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

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

(37) Solar panel (ground mounted);

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

(39) Studio (transitional use);

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

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

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

(C) Special Uses

(1) **Accessory dwelling unit** (freestanding);

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

(3) Artisan space (available in the **Riverfront Overlay District** only, to allow for an artisan space **use** not otherwise listed);

(4) Boarding house;

(5) Child care home (class II);

(6) Community garden that includes a structure;

(7) **Container home** (see §157.503(D)(3)(h) for additional standards);

(8) **Educational institution**-associated **uses** (on non-contiguous properties, not otherwise permitted);

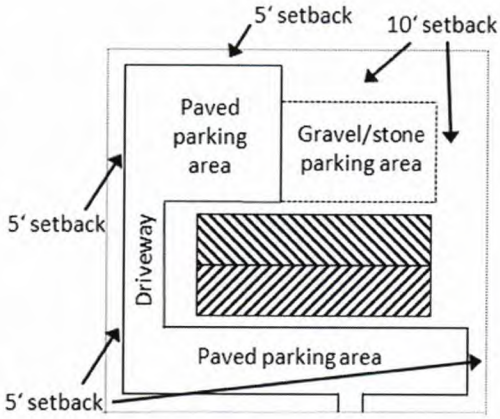
(9) Fraternity house;

(b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.

(c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.

(d) In DC and DE **districts**, off-street parking shall not be located in front of or on the side of any new **structure**.

(e) In UC **districts**, **parking areas** shall be located a minimum of twenty 20 feet from any **front lot line**; and new **parking areas** in these **districts** are only permitted where there is an adequate existing **alley** access and a new **driveway** onto the primary commercial **street** is not required.



(3) Compliance with the Americans with Disabilities Act

The design and construction of all new off-street **parking areas** shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

(4) Maintenance

Off-street parking spaces and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-Street Parking Requirements

(1) General Requirement

(a) Where applicable and required, **off-street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §157.407(D)(2).

(b) For **uses** that require off-street stacking spaces, additional stacking space may be required as part of the approval of a Development Plan, if the **Plan Commission** determines that they are necessary for traffic safety purposes.

(c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a **multiple family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.

(d) The following **uses** shall not have a minimum off-street parking requirement:

(i) Accessory Dwelling Unit

(ii) Airport;

(iii) Community garden;

(iv) Cemetery;

(v) Fairground;

(vi) Hospital;

(vii) Nature preserve;

(viii) Parking structures;

(D) Special Uses

(1) List of Special Uses

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

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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Accessory building conversion to a single **family** dwelling	AR
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

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Gas station	C2 and NC (except when a **gas station** site is **adjacent** to a **residential district**, or is on a **street** that is directly opposite from a **residential district**), and DE, I1 and I2
Golf course	R1, R2, R3, RP, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) (1)	AR, R1, R2, R3, RP, MHS, DC, DE and UC
Group residential facility (large) (if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Group residential facility (small)	DC, DE and UC
Growing/processing/raising of natural products	I1
Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)	R1, R2, R3, RP, and MHS
Home business (2)	AR, R1, R2, R3, RP, MHS and DC
Home business (in an existing single family detached dwelling only) (2)	C1, C2, NC, SC, C3, C4, DE, and UC
Home enterprise (2)	AR
Home workshop (2)	AR
Homeless shelter (accessory to a **religious institution**, for up to eight (8) individuals)	AR, R1, R2, R3, RP and MHS
Homeless shelter (accessory to a **religious institution**)	DC, DE and UC
Homeless shelter (if adjacent to a residential district or accessory to a **religious institution**)	C1, C2, NC, SC, C3 and C4
Illuminated **recreation field** (if **adjacent** to a **residential district**)	BTI, I1, I2 and I3
Instruction/training/education (transitional use)	R1, R2, R3, RP and MHS
Junk yard (outdoor)	I2
Live-work unit (transitional use)	R1, R2, R3, RP and MHS
Manufactured home, Type II (2)	AR, R1, R2, R3, RP, C1, C2, NC, SC, C3, C4, DE and UC
Medical office (transitional use)	R1, R2, R3, RP and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, R1, R2, R3, RP and MHS
Model unit (for an extension of time or expansion of scope)	DC and DE
Motor vehicle storage yard	I2
Multiple Family Dwelling (transitional use, up to ten (10) units)	R2
Museum	R1, R2, R3, RP and MHS
Nature preserve (that includes a **structure** or **parking area**)	AR, R1, R2, R3, RP, MHS, DE and UC
Neighborhood facility	AR, R1, R2, R3, RP and MHS

§ 157.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

(A) Rules of Usage

(1) Words used in the present tense shall also include the future tense.

(2) The singular shall include the plural: and the plural shall include the singular.

(3) The word "shall" is mandatory; the words "may" or "should" are permissive.

(4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

(B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building**, **structure**, or **use**, and ordinarily located on the same **lot** with that **primary building**, **structure**, or **use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** shall be subordinate to a primary residential **structure**. An ADU shall not be subdivided or otherwise separated in ownership from the primary residential structure. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. The ADU shall be less than 700 square feet of gross floor area, not including attached garage space if applicable. An integrated **accessory dwelling unit** shall include no separate entrance on the front-facing façade of the building. A freestanding accessory dwelling unit may be constructed as a new detached structure or created as part of the renovation of a detached accessory structure. An ADU shall not be constructed of portable storage containers, shipping containers, truck bodies, other abandoned vehicles, or portions of vehicles.

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

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

Accessory Structure, Nonresidential

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

(1) Are located on the same **lot**, **tract**, or **development site** as the primary **nonresidential building** or **use**;

Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and

Are subordinate to and serving a **primary building** or **use**.

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more **families** living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. 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)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

Dwelling, Two Family

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

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

Easement

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

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an arterial or collector roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this **use**.

Trellis

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

Truck Depot/Terminal

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

Truck Fueling Station

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

Truck Stop

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

BILL NO. G-24-10-20

REPORT OF COMMITTEE ON REGULATIONS
February 25, 2025

Michelle Chambers Chair

Thomas Freistroffer Co-Chair

All Council Members

An Ordinance amending Chapter 157 of the City of Fort Wayne Municipal Code

A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157) – Accessory Dwelling Units

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

COUNCIL MEMBER	DO PASS	DO NOT PASS	ABSTAIN
BENDER			
BOOKER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			

LANA R. KEESLING
CITY CLERK

Public Hearing Date: N/A
Read the first time in full and on motion by Councilperson Chambers.
Read the second time by title and referred to the Regulations Committee.
Read the third time in full and on motion by Councilperson Chambers, placed on passage by the following vote:

TOTAL VOTES	AYES	NAYS	ABSTAINED	ABSENT
BENDER	☒	☐	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☐	☒	☐	☐
HARTMAN	☐	☒	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☒	☐	☐	☐
PADDOCK	☒	☐	☐	☐

DATED: March 25, 2025

Lana R. Keesling
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-24-10-20-AA on the 25th day of March , 2025

ATTEST:

Lana R. Keesling
LANA R. KEESLING
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th of March 2025, at the hour of 9:00 o'clock P.M. E.S.T.

Lana R. Keesling
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 26th day of March 2025, at the hour of 9:39 o'clock A.M. E.S.T.

FORT WAYNE, INDIANA
RECEIVED
MAR 26 2025
LANA R. KEESLING
CITY CLERK

SHARON TUCKER, MAYOR