

3-2-3-4 **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⁽⁺⁾	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/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	

ALLEN COUNTY ZONING ORDINANCE

3-2-3-5

Development Standards

- (a) The standards in the following table shall apply in the A1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

A1 AGRICULTURAL DISTRICT 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: Either one Type III manufactured home , or 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)

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 120' wide; 7' if the lot is less than 120' 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 A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (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	

(b) **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'
<u>Accessory Dwelling Unit</u> , 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			

ALLEN COUNTY ZONING ORDINANCE

- (16) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
- (17) **Home business** (see A.C.C. 3-5-3-4(c)(2) 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 A.C.C. 3-5-3-4(c)(6) for additional standards);
- (22) **Medical office (transitional use)**;
- (23) **Model home** (for extension of time or expansion of scope);
- ~~(24)~~ (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 (A.C.C. 3-2-8-5 (a))**;
- ~~(24)~~~~(25)~~ (26) **Museum**;
- ~~(25)~~~~(26)~~ (27) **Nature preserve** (that includes a **structure** or **parking area**);
- ~~(26)~~~~(27)~~ (28) **Neighborhood facility**;
- ~~(27)~~~~(28)~~ (29) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- ~~(28)~~~~(29)~~ (30) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
- ~~(29)~~~~(30)~~ (31) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
- ~~(30)~~~~(31)~~ (32) **Recreation use**, outdoor (**athletic field**, **riding stable**, **swim club**, tennis **club**);
- ~~(31)~~~~(32)~~ (33) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
- ~~(32)~~~~(33)~~ (34) **Residential facility for a court-ordered re-entry program**;
- ~~(33)~~~~(34)~~ (35) **Residential facility for homeless individuals** (for up to eight (8) individuals);
- ~~(34)~~~~(35)~~ (36) **Sign** (temporary **subdivision** direction);
- ~~(35)~~~~(36)~~ (37) **Solar panel (ground mounted)**;
- ~~(36)~~~~(37)~~ (38) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
- ~~(37)~~~~(38)~~ (39) **Studio (transitional use)**;
- ~~(38)~~~~(39)~~ (40) **Utility facility, private** (not otherwise permitted or exempt);
- ~~(39)~~~~(40)~~ (41) **Wind energy conversion system, micro** (for **single family detached dwellings** on unplatted land only); and

Same Revisions have also been made in C2, NC, SC, C3, C4, BTI, I1, I2, and I3 Zoning Districts

3-2-12-4 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	

ALLEN COUNTY ZONING ORDINANCE

- (c) 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).

- (d) Maintenance

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

3-4-7-4

Minimum Off-Street Parking Requirements

- (a) General Requirement

- (1) 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 A.C.C. 3-4-7-4(b).
- (2) 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.
- (3) **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.
- (4) The following **uses** shall not have a minimum off-street parking requirement:

~~(A)~~ (A) **Accessory Dwelling Unit**

~~(A)~~~~(B)~~ **Airport;**

~~(B)~~~~(C)~~ **Community garden;**

~~(C)~~~~(D)~~ **Cemetery;**

~~(D)~~~~(E)~~ **Fairground;**

~~(E)~~~~(F)~~ **Hospital;**

~~(F)~~~~(G)~~ **Nature preserve;**

~~(G)~~~~(H)~~ **Religious institution; and**

~~(H)~~~~(I)~~ **School.**

ALLEN COUNTY ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Educational institution-associated uses (on non-contiguous properties, not otherwise permitted)	C1, C2, NC, SC, C3 and C4
Emergency response facility (transitional use)	R1, R2, R3 and MHS
Equipment rental, general	I1
Flood control improvement project/non-permitted fill, private	Any district
Fuel storage facility	I2
Funeral home	A1, A3, R1, R2, R3 and MHS
Gas station	C2, NC, I1 and I2
Golf course	R1, R2, R3 and MHS
Greenhouse (retail)	A1, C2, NC and SC
Group residential facility (large) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2 and I3
Heliport	R1, R2, R3 and MHS
Home business ⁽²⁾	A1, A3, R1, R2, R3 and MHS
Home business (in an existing single family detached dwelling only) ⁽²⁾	C1, C2, NC, SC, C3 and C4
Home enterprise ⁽²⁾	A1 and A3
Home industry ⁽²⁾	A1
Home workshop ⁽²⁾	A1 and A3
Homeless shelter (accessory to a religious institution, for up to eight (8) individuals)	A1, A3, R1, R2, R3 and MHS
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 and MHS
Junk yard (outdoor)	I2
Livestock operation (high intensity) ⁽¹⁾	A1
Live-work unit (transitional use)	R1, R2, R3 and MHS
Manufactured home, Type II ⁽²⁾	R2, R3, C1, C2, NC, SC, C3 and C4
Manufactured home, Type II ⁽²⁾ and Type III	R1
Medical office (transitional use)	R1, R2, R3 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)	A1, A3, R1, R2, R3 and MHS
Motor vehicle storage yard	I2
Multiple Family Dwelling (transitional use, up to ten (10) units)	<u>R2</u>
Museum	R1, R2, R3 and MHS
Nature preserve (that includes a structure or parking area)	A1, A3, R1, R2, R3 and MHS
Neighborhood facility	A1, A3, R1, R2, R3 and MHS
Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Open use of land (not otherwise permitted)	I3
Outdoor use (in conjunction with a permitted primary use)	C2 and NC

ALLEN COUNTY ZONING ORDINANCE

Chapter 6 Definitions

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

3-5-6-1 Rules of Usage

- (a) Words used in the present tense shall also include the future tense.
- (b) The singular shall include the plural: and the plural shall include the singular.
- (c) The word "shall" is mandatory; the words "may" or "should" are permissive.
- (d) 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."

3-5-6-2 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~~ entrances 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 – A.C.C. 3-4-12-2, Definitions)

Accessory Structure, Nonresidential

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

ALLEN COUNTY ZONING ORDINANCE

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.

ALLEN COUNTY ZONING ORDINANCE

Transition

For purposes of **sign** regulation, a visual effect used on a **changeable copy sign** to change from one message to another.

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.