

2022 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far;
- 2) Address issues that have come up since the effective date of the last technical amendment (1/1/2018);

A summary of the proposed 2022 technical amendments is below; the proposed effective date is September 1, 2022. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances will also be amended.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
SU1	Special Use A1 AC (13)	The ordinance has references to both Confined Feeding Operation (CFO) and Confined Animal Feeding Operation (CAFO). Only CFO are defined.	Remove all references to CAFO. Delete reference from 3-2-3-2(b)(3) A1 Special Use.
SU2	Special Uses (animal slaughter houses) AC (14)	There are questions about the current animal slaughter house and animal processing provisions	Remove “and poultry establishments, where animals other than those raised on the lot are processed” from the Animal Slaughter Houses special use language.
ACC1	Accessory Buildings, Structures and Uses AC (17 et al) / FW (20 et al)	There is an issue with the existing integrated accessory dwelling unit language.	Update the language to "(1) If integrated into an existing single family detached residence; the integrated accessory dwelling unit shall be at least 300 square feet."
DS1	Development Standards AC (18 et al) / FW (21 et al)	A question has come up as to what the minimum lot width at front lot line should be.	Remove 25' and 120' at front lot line standard from Lot Width from the applicable residential districts.
DS2	Development Standards - Single Family Residence AC (18 et al) / FW (21 et al)	The current residential district development standards tables include a minimum Building Size square footage for Single Family Dwellings of 950 square feet. The tables refer to single family residence, while the definition refers to “dwelling, single family (detached)” and the permitted use refers to “single family dwelling (detached)”.	Revise the residential development standards tables to change the minimum “building size” from “950” square feet to “700” square feet. Revise the tables to refer to “single family dwelling” (in the A1, A3, AR, R1, R2, R3, RP, MHS, and MHP districts)
DS3	Development Standards Accessory Structures FW (21)	There is a conflict with existing language in the AR Development Standards table stating an accessory building shall also be permitted as a primary building on lots over five (5) acres. This is a special use in the AR district.	Delete: “; plus: On lots of over five (5) acres, an accessory building shall also be permitted, as the primary building” from the development standards table.

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DS6	Flag Lot AC (18 et al) FW (21 et al)	It is unclear how to determine the front yard setback for parcels which are flag lots.	Add a front yard standard for flag lots: “30’ Flag lots shall have two (2) required front yards (see definition of lot line, front)”
YP1	Yard Projection Tables AC (20 et al) FW (23 et al)	There is an issue with how stoops are treated for projection purposes.	The “Additional Yard Location and Yard Projection Standards” tables were amended to state where stoops shall be permitted to project in front, rear, and side yards.
DS4	Lot Area and Lot Width Standards AC (38, 45) / FW (34, 41)	There is an issue with the current lot area and width requirements for attached single family lots.	Add a provision to the R2, R3, and RP district development standards tables allowing attached single family lots to be a minimum of 25 feet wide and 3,000 square feet in area for interior lots, and a minimum of 50 feet wide and 6,000 square feet in area for corner lots.
DS5	Lot Area Standards AC (32 et al)	The Allen County R1, R2 and R3 districts standards for lot area, interior lots are not aligned with City of Fort Wayne.	Change the Allen County interior lot area standard to 6,000 square feet, in R1 R2 and R3 to align with Fort Wayne standards for detached single family lots.
PUR1	Purpose Statements (R3 and RP) AC (41) / FW (37, 45)	The issue is there are regulatory standards in the R3 and RP zoning district purpose statements.	Remove “Certain additional professional office and commercial uses may also be permitted, if approved by the Board of Zoning Appeals (see §157.503(D)(1)). Multiple family complexes and projects with multiple lots or development sites, or multiple primary buildings on a single development site (including multiple single family detached dwellings) shall require the review and approval of a Development Plan (see §157.301).”
DS6	Development Standards (Recreation Space) AC (46 et al) / FW (42 et al)	There are recreation space standards in the R3, RP and MHP districts	Remove the R3, RP and MHP Multiple family complex building and Manufactured home park recreation space requirement.
PU1	Type II Manufactured Home AC (55) / FW (59)	Type II Manufactured Home is not listed as a permitted use in the MHP district.	Add Type II Manufactured Home to the MHP permitted uses.
PU2	Permitted Use Categories AC (59 et al) FW (63 et al)	The current use categories cause confusion and conflicts with the permitted use tables	Delete use categories in C and I districts. Update or delete category definitions relative to parking requirements and special use provisions as necessary.
PU3	Setbacks for multiple family buildings (reference the R3 standards) AC (60 et al) / FW (64 et al)	Multiple family developments are permitted in most of the nonresidential zoning districts, but the multiple family standards are only in the R3 and RP districts. It is not clear how the multiple family standards are applicable in a nonresidential district.	Add provisions to the permitted use tables in the applicable nonresidential district standards to state that the perimeter setback and building separations standards for multiple family complexes shall apply in the nonresidential districts by adding a note (see below) to the Multiple family complex, Multiple family dwelling, and Townhouse complex permitted uses. Note: See multiple family building and complex perimeter setback and building separation requirements in R3 district (157.208(E)(1)) or (3-2-8-5(a)).

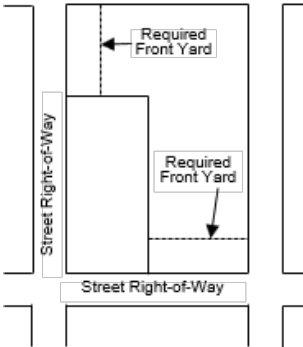
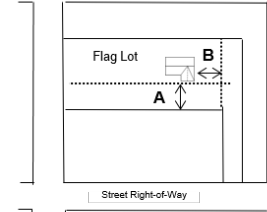
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No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
PU4	Permitted Uses (Micro winery, brewery, distillery) AC (65 et al) FW (69 et al)	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for micro distillery to clarify amount permitted; include ‘wine (mead, cider, etc.)’ in the micro-brewery definition. As a part of this, the definition of Micro Winery will be removed from the permitted use and special use lists within the districts.
PU5	Permitted uses (C2, NC, SC) AC (79 et al) FW (66 et al)	The issue of whether an outdoor concert would be a permitted use in the NC or SC districts has been raised.	Add “(indoor)” to the entertainment facility permitted use in the C2, NC. Add “(including outdoor)” to the SC district.
PU6	Permitted Uses – Gas Stations AC (82 et al) FW (58 et al)	The location of the residential impact mitigation standards causes confusion.	Incorporate the existing residential impact mitigation standard for gas station canopies by adding to the Gas station permitted uses – add a note to the SC, C3, C4, and I3 districts: “No gas station canopy shall be located between the primary building and a residential district”
PU7	Permitted Uses and Special Uses (I2 and I3) AC (117, 125) FW (147, 155)	There are questions about the current animal slaughter house and animal processing provisions	Add “(includes skins, hides, or reduction of animal matter)” to the Animal Products line of “Processing Facility” to the AC and FW I2 and I3 districts. Add Animal Slaughter House (Indoor) as a permitted use to the AC and FW I2 districts, and also add Animal Slaughter House (outdoor) as a special use in the I2 districts. Add Animal Slaughter House to the I3 districts.
DP1	Development Plan Table AC (131) / FW (161)	The multiple buildings and phased construction development plan table language is not clear	3-3-1-2(a) and 157.301(B)(1) Change the second row language to: “Projects proposing more than one new primary building on a single lot or development site” and change the third row language to: “Projects proposing the phased construction of infrastructure or streets”
SPR1	Site Plan Review - Approval AC (141) / FW (171)	The validity of a site plan review ILP application is not the same as a non-site plan review ILP application	Change validity of site plan review ILP application to six months (instead of 12) in 3-3-2-7(e)(1) and 157.302(G)(5)(a). Add: “If the applicant has not requested an extension, DPS staff may void the application”: to 3-3-2-7(e)(1) and (2); and 157.302(G)(5)(a) and (b).

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
SC1	Subdivision Control Exempt Divisions of Land (AC 144) / (FW 174)	Cityscape Flats sold off individual units after final approval, revise the exempt divisions of land language to allow this for projects that have been approved through the development plan process.	Revise to: (ii) The conveyance of land located within a Development Plan where: [A] The Commission has granted secondary approval; and [B] Improvement Location Permits and Certificates of Compliance have been issued for the entire development.
AU1	Accessory Structures and Uses AC (163) / FW (191)	There is a question about the use of "or as otherwise approved by PC"	Delete the phrase "or as otherwise approved by PC" from 3-4-2-2(d)(1)(C) and 157.402(B)(4)(a)(iii)
TEMP1	Temporary Building, Structures and Uses AC (166) / FW (194)	The Building Department and Fire Department and DPS have different standards for temporary tents.	Align the standards by changing the Temporary Special Event timeframe to thirty (30) days and adding "public rights-of-way" to the provisions, and revising the Temporary Tent language as shown below: (1) In residential districts a tent may be placed on a lot up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event; (2) In nonresidential districts , a tent may be placed on a lot up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event.
DDS1	Development Design Standard applicability AC (167) / FW (195)	There is an issue with the applicability checklist having incorrect checkmarks.	The lists were reviewed, aligned and marked correctly as needed with the appropriate checkmarks.
DDS2	Development Design Standards – Access AC (168)	An issue has been raised regarding major subdivisions with multiple new lots fronting on existing streets.	Change the existing 3-4-4-4(b)(1) language to: "Each lot in the Major Subdivision shall only have internal access to a new public street platted as part of the proposed subdivision. No lot shall access an existing arterial, collector, or local street."
DDS3	Development Design Standards – Access AC (168) / FW (196)	There has been a concern raised regarding the number of lots permitted per one entrance to a subdivision.	Change Allen County Standard from "every one hundred fifty (150) residential lots" to: "every two hundred (200) residential lots" Change Fort Wayne Standard from: "every fifty (50) residential lots" to: "every two hundred (200) residential lots"
DDS4	Development Design Standards – Sanitary Sewer AC (173)	There is an issue with the applicability of Sanitary Sewer for Site Plan reviews	Added language to the Allen County Sanitary Sewer Standards that Sanitary Sewer facilities be "in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development".

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No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DDS5	Minor Plat AC (174)	There is no street light provision in the County Minor Plat provisions	3-4-4-20 (Street Lighting): Add “In Minor Subdivisions, one (1) light shall be provided at the primary entrance to the subdivision” as a new item (b)
DDS6	Development Design Standards – Open Space FW (198)	The Fort Wayne Zoning Ordinance has open space and recreation amenities standards which are not aligned with Chapter 158 of City Code.	Delete the standards in 157.404(L) except for “The requirements of chapter 158 of the Fort Wayne Code apply.”
DDS7	Development Design Standard – Water AC (177)	There is an issue with the applicability of Water for site-plan reviews.	Added language to the Allen County Water Standards that Water facilities be “in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development”.
DDS8	Residential Impact Mitigation AC (172) / FW (200)	The location of the residential impact mitigation standards causes confusion.	Removed “No gas station or convenience store canopy shall be located between the primary structure and any lot line with a protected district” from 3-4-4-15(b)(2) and 157.404(O)(2)(b) – this standard was incorporated into the applicable districts
PARK1	Parking exclusion AC (184) / FW (220)	There have been issues with parking for cemeteries	Add cemetery to the Minimum Off-Street Parking Requirements exclusions
FP1	Floodplain AC (237) / FW (273)	The Indiana Department of Natural Resources has updated the State Model Floodplain Ordinance and has directed staff to update local floodplain regulations.	The Allen County Floodplain Chapter 12, and the Fort Wayne Floodplain §157.412 will be repealed and replaced as shown in the redline draft.
PRO1	Procedures - ILP AC (279) / FW (315)	There is an issue with prohibiting ornamental fences over a platted front building line	Remove the words “or rear” and add the words "except ornamental fences" to the Improvement Location Permit General Provisions b
PRO2	Procedures - ILP AC (279) / FW (315)	There is an issue with prohibiting open porches, open porches, or stoops over a platted front building line	Add the words "and open decks, open porches, or stoops" to the Improvement Location Permit General Provisions b
PRO3	Procedures - ILP AC (280) / FW (316)	There is an issue with how stoops are treated for permitting purposes.	To make it clear that stoops shall not require an improvement location permit, stoop has been added to the “Improvement Location Permit Exclusions” table.
PRO4	Procedures - Special Uses Table AC (286) / FW (323)	There is an issue with the Special Uses tables not being in alignment with the listed special uses throughout the zoning districts.	The Special Use tables have been updated and aligned as a part of the removal of the permitted use categories.
DEF1	Accessory Use AC (308) / FW (346)	There have been issues with people proposing “accessory uses” to existing nonresidential uses which are not permitted primary uses (e.g. automobile washing facilities)	Add to definition of accessory use: 5. is a permitted use in the applicable zoning district.

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No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF2	Agricultural Livestock, High Intensity AC (309)	The ordinance has definitions of both “Agricultural Livestock Operation, High Intensity” and “Livestock Operation (High Intensity)”	Delete the first definition: Agricultural Livestock Operation, High Intensity
DEF3	Brewery (Micro) AC (321) / FW (359)	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for Brewery (Micro) to include “mead” in the micro-brewery definition, and also add: A micro winery or similar use shall also be included under this definition.”
DEF4	Child Care Home AC (325) / FW (362)	There is an issue with the definition of Child Care Home in that it does not say that the provider whose primary residence the home is, is the person who holds the state license	Revise the definition of Child Care Home to: A residential building in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) receive child care from a licensed child care provider; the child care provider shall live on the property.
DEF5	Club, Private AC (325) / FW (363)	It is not clear that a sexually oriented business is not intended to be permitted as a private club.	Add “Any use that meets the definition of “sexually oriented business” as defined in Chapter 121.02 of the Municipal Code of the City of Fort Wayne shall not be considered a Private Club.”; and “Any use that meets the definition of “sexually oriented business” as defined in Allen County Code Section 8-30-1-2 shall not be considered a Private Club.” to the definition of Private Club
DEF6	Distillery, Micro AC (331) / FW (368)	It is not clear where a micro distillery and a micro winery are permitted	Align micro distillery with micro-brewery permitted and special uses; revise the definition for micro distillery to clarify amount permitted - add: “Annual production will typically not exceed 10,000 barrels per year.”
DEF7	Dwelling, Two Family AC (333) / FW (370)	There is an issue with the 950 square foot development standard in the definition of Dwelling, Two Family.	Revise the 950 square foot standard to 700 square feet in the definition.
DEF8	Home business AC (342) / FW (379)	The definition of Home Business does not include the word “instruction”.	In the last sentence in the definition, add "instruction" so it reads "instruction/teaching/tutoring/music lessons."
DEF9	Home workshop AC (343) / FW (380)	There has been an issue with allowing certain contracting businesses as home workshops, such as: roofing, snow removal and landscaping.	Remove “contracting” from the definition of Home Workshop.

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No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF10	Homeless/Emergency Shelter AC (343) / FW (380)	It is not clear what the difference between a homeless shelter and an emergency shelter is.	The definition of Homeless/Emergency Shelter was separated to create a definition for Homeless Shelter and Emergency Shelter. Also, updated and revised all references to Homeless shelter throughout ordinance.
DEF11	Livestock Operation (High Intensity) AC (346)	The ordinance refers to both Confined Feeding Operation (CFO) and Confined Animal Feeding Operation (CAFO). Only CFOs are defined.	Remove all references to CAFO. Delete from definition of Livestock Operation (High Intensity).
DEF12	Lot, Corner (AC 346) / (FW 384)	The ordinance is not clear as to how to deal with L shaped lots that have frontage on two different streets.	<p>Revise Lot, Corner to: A lot at the junction of an abutting two or more intersecting streets, or a lot that borders the corner lot that has frontage on the same two streets.</p>  <p align="center">Irregularly Shaped Lot with Frontage On Two Streets</p>
DEF13	Lot Line, Front AC (348) / FW (385)	It is unclear how to determine the front yard setback for parcels which are flag lots.	<p>Revise the definition of Lot Line, Front as follows: replace - “For flag lots, the front lot line shall be the lot line which is roughly parallel with the street.” With - “Flag lots shall have two (2) required front yards, measured as shown below.”</p>  <p align="center">Flag Lot Yard Measurements</p> <ul style="list-style-type: none"> A. Required front yard setback from lot line measured “roughly parallel with the street” B. Required front yard setback measured “roughly parallel with the closest internal lot line”
DEF14	Manufactured Home Type II AC (349) / FW (386)	There is an issue with the 950 square foot development standard in the definition of Manufactured Home Type II.	Change the Manufactured Home Type II definition square footage standard from 950 to 700.

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DEF15	Medical Facility or Office AC (350) / FW (387)	Several non-medical office uses are included under the definition of Medical Office.	Revise the definition of “Medical Facility or Office” to “Medical Office”; remove hospice care center, health center, hospital, nursing home, laboratory, rehabilitation facility and treatment center from the definition of “Medical Office”; delete the definition of “Rehabilitation Facility”. The “Health Center” and “Rehabilitation Facility” permitted uses have been removed
DEF17	Stoop AC (373) / FW (409)	There is currently no definition of the term stoop.	A definition of stoop has been added to the definitions.
DEF16	Substantial Change AC (375) / FW (411)	There is confusion over the application of the term “substantial change” relative to BZA requests	Add “For the purposes of Board of Zoning Appeals reconsideration of a request, the term shall include a change in the use that was previously denied.”