

ALLEN COUNTY ZONING ORDINANCE

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ARTICLE 5 – ADMINISTRATION

Chapter 1 Purpose

3-5-1-1 The purpose of this article is to:

- (a) Provide for the administration and enforcement of the provisions of this ordinance;
- (b) Set forth general standards, procedures, and requirements for the review, consideration, and issuance of **Improvement Location Permits** and **Certificates of Compliance**; and
- (c) Establish standards, procedures, and requirements for **violations** and penalties.

Chapter 2 Planning and Zoning Bodies

3-5-2-1 Zoning Administrator

- (a) Authorization

The **Board of Commissioners** has authorized the creation of a **Zoning Administrator** for the administration and enforcement of this ordinance. All references in this ordinance to the **Zoning Administrator** shall include any **DPS** or zoning enforcement officers designated by the **Zoning Administrator**.

- (b) Powers and Duties

The **Zoning Administrator** shall be responsible for:

- (1) Making all determinations, interpretations, and decisions necessary to carry out the provisions and requirements of this ordinance, or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (2) Determining if a **violation** of this ordinance exists, and how the provisions and requirements of this ordinance shall be applied and enforced; and
- (3) Issuing or causing to be issued all Site Plan Review decisions, **Improvement Location Permits**, **Certificates of Compliance**, and **Certificates of Use** required under this ordinance.

- (c) Exceptions

The following exceptions shall apply in the situations noted below:

- (1) In cases where this ordinance requires a public hearing to be held on a **Plan Commission** Development Plan application, the **Plan Commission** hereby establishes that the project may be reviewed and acted on by a committee of the **Commission** without a public hearing if the **Zoning Administrator** determines that the proposed project does not warrant a public hearing due to: substantial conformance with a previously approved primary Development Plan, or lack of impact on **adjacent** properties.
- (2) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive said review process upon a determination that the scope or impact of the project does not warrant a technical review by external review entities.

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- (3) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive a required submittal, including but not limited to the required **building** plans or boundary/topographic/utility surveys, upon a finding that the proposed submittal is not applicable to or necessary for the proposed project.

(d) Appeals

All determinations, interpretations, and decisions of the **Zoning Administrator** may be appealed to the **Board of Zoning Appeals**, in accordance with the **Board's** rules.

3-5-2-2

Executive Director

(a) Authorization

The Governing **Board** has authorized the creation of an Executive Director of the **Department of Planning Services** for the administration of that department.

(b) Powers and Duties

The Executive Director shall have the following powers and duties:

- (1) To direct the activities of the **Department of Planning Services**;
- (2) To be authorized and empowered to do and perform those acts required for the administration of this ordinance or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (3) To perform those acts authorized by adopted inter-local agreement.

3-5-2-3

Hearing Officer

(a) Authorization

This ordinance hereby authorizes the creation of a Hearing Officer, for the type of cases and in accordance with the procedures outlined in IC 36-7-4-923 and IC 36-7-4-924, and as set forth in the **Commission's** rules.

(b) Appointment

The Hearing Officer shall be appointed at the first annual meeting of the **Commission** and shall serve in that capacity for the succeeding year. The **Commission** may also appoint one or more alternates to serve in that capacity in the event the Hearing Officer is unavailable or unable to so act. The Hearing Officer and alternates so appointed shall serve at the pleasure of the **Commission** and may be removed or replaced by the **Commission** at any time.

(c) Powers and Duties

The Hearing Officer shall have the same powers and duties as the **Board of Zoning Appeals** to approve or deny applications through the alternate procedure allowed under IC 36-7-4-923, except as may be limited by the **Commission's** rules.

(d) Procedure

The **Commission** shall:

- (1) Establish the circumstances in which it would be appropriate for the Hearing Officer to transfer proceedings to the **Board**; and

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- (2) Designate requirements for the conduct of proceedings before the Hearing Officer including, but not limited to, the creation and filing of minutes and records, regulation of conflicts of interest and communication with the Hearing Officer and appeals to the **Board** of decisions by the Hearing Officer.

3-5-2-4

Board of Zoning Appeals

- (a) Authorization

The Allen **County Board of Zoning Appeals** has been established pursuant to IC 36-7-4-901(a), and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 900 series (**Board of Zoning Appeals**). Any appeal filed under this section shall also be subject to all applicable procedures and limitations the **Board** may establish by rule.

- (b) Powers and Duties

- (1) The **Board** shall approve or deny all of the following types of applications:

- (A) **Contingent uses** pursuant to I.C 36-7-4-918.2 and A.C.C. 3-5-3-3.
- (B) **Special uses** pursuant to IC 36-7-4-918.2 and A.C.C 3-5-3-4.
- (C) Variances from the **development** standards in this ordinance, pursuant to IC 36-7-9-918.5 and A.C.C 3-5-3-5.
- (D) **Use** variances pursuant to IC 36-7-4-918.4 and A.C.C.3-5-3-6.
- (E) Appeals of:
 - (i) Any decision, interpretation, or determination made by a Hearing Officer, **Zoning Administrator**, or **DPS** staff member under this ordinance; and
 - (ii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, in relation to the enforcement of this ordinance; and
 - (iii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, relative to the enforcement of **Improvement Location Permits** or Certificates of Compliance.
- (F) Other requests related to this ordinance as provided for in the **Board's** rules.

- (2) **Conditions**

The **development** standards under this ordinance are minimum regulations and, to promote the public health, safety, or general welfare, the **Board** has the discretion to impose **conditions** on any approval that are greater or more restrictive than the ordinance's minimum **development** standards or regulations. The **Board** may also impose whatever additional safeguards and restrictions that the **Board** reasonably finds necessary to meet the intent and purpose of this ordinance. Whenever, as part of its approval, the **Board** imposes a condition, safeguard or restriction that is greater or more restrictive than the minimum regulations of this ordinance, the greater or more restrictive condition safeguard or restriction shall govern.

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3-5-2-5

Plan Commission

(a) Authorization

The **Plan Commission** has been established pursuant to IC 36-7-4-202, and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 200 series (**Plan Commission**) and in IC 36-7-4. In addition, the **Plan Commission** is established by Indiana Code as the administrative authority for the **subdivision** of land within the **planning jurisdiction** of the **County**. Under the authority granted by state law, the **Commission** has established an **Executive Committee** empowered to act on its behalf on such matters as may be assigned to it by the **Commission**. The **Commission** may establish a **Plat** Committee to act on **plats** in its behalf.

(b) Purpose

The **Plan Commission** has been established to carry out the purposes set forth for advisory **Plan Commissions** in IC 36-7-4-201.

(c) Membership

The membership of the **Commission** and qualifications for citizens to be appointed to the **commission** are described in IC 36-7-4-208(a) and IC 36-7-4-216, and the adopted rules of the **Commission**.

(d) Powers and Duties

The **Commission**, or the **Executive Committee** acting on its behalf, shall have the following powers and duties as set forth in the 200 series (**Plan Commission**), the 300 series (Organization of **Commission**), and the 400 Series (**Commission** Duties and Powers), including but not limited to:

- (1) Make recommendations to the **Board of Commissioners** on amendments to this ordinance and the **Comprehensive Plan**;
- (2) Take action on applications for approval of a Primary or Secondary Development Plans or **Subdivisions** that are required to be submitted under this ordinance, provided, that in the event an application requires approval of a Primary Development Plan or Primary **Major Subdivision**, and also approval of a **special use, contingent use, use variance**, or variance of dimensional standard, the **Commission** may authorize a combined hearing procedure pursuant to IC 36-7-4-403.5;
- (3) Take action on all applications for primary and **secondary approval** of **Minor and Major Subdivisions**, pursuant to the 700 series (**Subdivision** Control) and A.C.C. 3-3-3;
- (4) Be authorized and empowered to adopt any rules or regulations allowed or required under IC 36-7-4 or such other rules or regulations as the **Commission** may deem necessary or advisable for the effective administration of its duties under state law or this ordinance; and
- (5) The **Commission** may adopt written policies and/or rules:
 - (A) For the **development** of public ways, public places, public **structures**, and public and private utilities;
 - (B) As necessary to carry out the intent of this ordinance.
- (6) The **Commission** has adopted an **Administrative Manual** and shall update it as needed to implement this Title.

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Chapter 3 Procedures

3-5-3-1 General

(a) Board of Zoning Appeals

The procedures of the **Board** shall be governed by the provisions of the IC 36-7-4 -900 Series (**Board of Zoning Appeals**), the provisions of this A.C.C. 3-5-3-1(a), and the **Board's** rules. The **Board** shall adopt rules concerning the filing of appeals, the giving of notice, and the conduct of its hearings and operations as necessary to carry out its duties. Any application or appeal filed to go before the **Board** shall be subject to all applicable **Board** procedures and limitations. Certain **Board** procedures may apply to the Hearing Officer as well.

(1) Pre-Application Discussion

Prior to the submission of an application for a **contingent use, special use, use variance, or variance of development** standards, a pre-application discussion between the **DPS** staff and the applicant is recommended. The purpose of the pre-application discussion is to:

- (A) Acquaint the applicant with the standards, procedures, and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable requirements;
- (B) Review the **Board's** procedures, application, and submittal requirements; and
- (C) Make the applicant familiar with potential issues or concerns regarding the proposed application.

(2) Submission Requirements

The applicant for an application or appeal to the **Board** shall submit an application form and supporting information as established by the **Board's** rules. **DPS** staff shall only place an application on the **Board's** next available public hearing agenda after all submittal requirements have been received. A determination made by the **DPS** staff with regard to the completeness or information required for an application or appeal may be appealed to the **Board** in accordance with the **Board's** rules.

(3) Public Hearing

The **Board** shall hold a public hearing on any application or appeal, in accordance with the **Board's** established public hearing calendar and rules. Any application or appeal filed under this section shall be subject to all applicable procedures and limitations the **Board** may establish by rule.

(4) Appeals

The **Board** may reverse, affirm, or modify the appealed decision, interpretation, or determination. For this purpose, the **Board** has all powers of the official, officer, **board** or body from which the appeal is taken. The **Board** may also defer action on the appeal if it needs more information or time to make a decision.

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(5) Decision and Additional Provisions

(A) Decision

Following the public hearing on an application, the **Board** shall approve or deny the application. The **Board** may also defer action on the application if it needs more information or time to make a decision. The **Board** shall make a decision on any matter that it is required to hear either at the meeting at which the matter is first presented, or at the conclusion of the hearing on the matter, if it is continued. See IC 36-7-4-919(e). The following standards and requirements shall also apply to the **Board's** decision on an application or appeal.

(B) Conditions

The **Board** may impose reasonable **conditions** as a part of its action on an application or appeal. The **Board** may also permit or require a **commitment** as set forth in IC 36-7-4-1015 and A.C.C. 3-5-3-1(e).

(C) Findings

The **Board** shall enter written findings setting forth the reasons for its action on an application or appeal.

(D) Notice

Notice of the **Board's** decision on an application or appeal shall be provided as established by the **Board's** rules.

(E) Appeal

A decision of the **Board** may be reviewed as allowed by the Advisory Planning Law in Indiana Code.

(F) Reconsideration

In the event the **Board** or Hearing Officer denies a request, an application or appeal, the **Board** shall not rehear or reconsider a repeated application for a period of one (1) year following the date of the **Board's** denial. Any **person** submitting a repeated application requesting reconsideration or rehearing of a previous denial after one (1) year shall also submit documentation indicating how the repeated application is substantially changed from the previous application that was denied. The repeated application shall be reviewed by the **Zoning Administrator**, who shall determine if the request is a **substantial change** which can be placed on the **Board's** agenda for review. The **Zoning Administrator's** decision that the repeated application is not a **substantial change** may be appealed to the **Board** in accordance with the **Board's** rules.

(G) Revocation

The **Board** may revoke a **contingent use**, special exception, **special use**, **use** variance or variance from **development** standards if the applicant, landowner and/or occupant violates a condition of approval or **commitment** imposed as part of the **Board's** approval. Prior to revocation, the **Board** shall notify the applicant, landowner and/or occupant of the real estate of the **violation** in writing and shall give the applicant, landowner and/or occupant

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an opportunity to be heard on the **violation**. At the **Board's** hearing, the **Zoning Administrator** shall present information to the **Board** regarding the alleged **violation**. Public notice and the public hearing on the revocation shall be in accordance with the **Board's** rules. Any application which is revoked shall be void.

(b) **Plan Commission**

The procedures of the **Commission** shall be governed by the provisions of IC 36-7-4, the provisions listed in this A.C.C. 3-5-3-1(b), and the **Commission's** rules. The **Commission** shall be empowered to act in accordance with IC 36-7-4, including but not limited to the following:

(1) Adoption and Amendment of **Comprehensive Plan**

The **Commission** shall review and take action on proposed replacement of or amendments to the **Comprehensive Plan**.

(2) Development Plans

The **Commission** shall review and take action on applications for approval of Primary or Secondary Development Plans pursuant to the IC 36-7-4-1400 series, and as described in A.C.C. 3-3-1.

(3) **Subdivisions** of Land

The **Commission** shall review and take action on applications for the primary or **secondary approval** of **Subdivisions** of land, and the certification and recording of exempt land divisions, pursuant to the IC 36-7-4-700 series, and as described in A.C.C. 3-3-2.

(4) Zoning Map Amendments

The **Commission** shall review and take action on proposed zoning map amendments pursuant to the IC 36-7-4-600 series and A.C.C. 3-5-3-7.

(5) Text Amendments

The **Commission** shall review and take action on proposed ordinance text amendments pursuant to the IC 36-7-4-600 series and A.C.C. 3-5-3-8. **Plat Vacations**

(6) **Plat Vacations**

The **Commission** shall review and take action on proposed **plat** vacations pursuant to IC 36-7-4-711.

(7) **Plat Covenant Vacations**

The **Commission** shall review and take action on proposed **plat** covenant vacations pursuant to IC 36-7-4-711 and IC 36-7-4-714.

(8) Vacation of Public Way

When Indiana State law requires the **Board of Commissioners** to hold a public hearing upon an application to vacate a public way under IC 36-7-3-12, the **Plan Commission** shall also hold a public hearing concurrently with the **Board of Commissioners**.

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- (A) The **Commission** shall be responsible to give the notice required under IC 36-7-3-12(b) and to collect any **fees** allowed or required under IC 36-7-3-12(c) or the **Commission's** rules.
- (B) After the **Commission** holds the hearing, it shall make a written recommendation to the **Board of Commissioners** for approval or denial of the proposed public way vacation. In making such recommendation, the **Commission** shall consider whether the proposed public way vacation would:
- (i) Hinder the growth or orderly **development** of Allen **County** or the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous;
 - (ii) Make access by means of a public way to lands of a **person** aggrieved by a proposed vacation difficult or inconvenient;
 - (iii) Hinder the public's access to a **religious institution, school**, or other public **building** or place;
 - (iv) Hinder the use of a public way by the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous; and
 - (v) Comply with the requirements of the Allen **County Comprehensive Plan**.
- (c) **Fees**
- At the time an application is filed with the **Board, Plan Commission**, or Executive Director for action and approval, **DPS** staff shall collect a nonrefundable filing **fee**. In accordance with IC 36-7-4-411, the **Plan Commission** shall establish a schedule of **fees** to defray the administrative costs connected with:
- (1) Processing and hearing administrative appeals and applications for rezoning, **special uses, contingent uses** and variances;
 - (2) Issuing permits; and
 - (3) Other actions or activities taken in accordance with the provisions of IC Title 36.
- (d) **Deemed Delivery of Notice**
- If this ordinance or the rules of the **Board of Zoning Appeals** or **Plan Commission** requires written notice to be given to any **person**, the notice requirement shall be considered satisfied as of three (3) days after the date of deposit of the required notice in the United States mail.
- (e) **Commitments**
- (1) **Authorization**
- As part of its review of an application the **Board of Zoning Appeals**, Hearing Officer, or the **Plan Commission**, as applicable, may permit or require the property **owner(s)** to make **commitments** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-1015, and the **Board's** or **Commission's** rules. **Commitments** shall be in a form acceptable to the **Board's** or **Commission's** legal staff.

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(2) General Provisions

- (A) By permitting or requiring a **commitment**, the **Board**, Hearing Officer, or **Commission** does not become obligated to approve the application or recommend approval of the proposed zoning map amendment, and the **Board of Commissioners** shall be under no obligation to approve the zoning map amendment.
- (B) By permitting or requiring a **commitment**, the **Board** or Hearing Officer shall not be obligated to grant any requested **waiver** or modification of a zoning standard or requirement, and the **Commission** shall not be obligated to grant any requested **waiver** or modification of a **development** standard or requirement.
- (C) If a **commitment** is executed in conjunction with an application or a proposed zoning map amendment, and the application or proposal is denied, the **commitment** shall not be recorded.
- (D) This section does not affect the validity of any covenant, **easement**, equitable servitude, or other land **use** restriction created in accordance with the law.

(3) Content

A **commitment** may include, but shall not be limited to, the following provisions:

- (A) Limiting the **uses**, or a specific aspect of a **use**, that will be permitted on the property;
- (B) Placing restrictions on the size, location, height, or similar aspects of a proposed **structure** or **structures** on the property;
- (C) Establishing standards or requirements relative to screening, buffering, landscaping, parking, or other similar site design aspects of a **development** on the property;
- (D) Limiting off-site impacts of a proposed **building, structure** or **development** or future **development** proposal, relative to noise, site lighting, signage, or similar issues;
- (E) Similar **use**, layout, or site design issues; or
- (F) Any other provisions as determined by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**.

(4) Recordation

Commitments made under this A.C.C. 3-5-3-1(e) shall be approved by the **Board**, Hearing Officer, or **Commission** and recorded in the Allen County Recorder's office in accordance with the **Board's** or **Commission's** rules. Unless modified or terminated by the **Commission** or automatically terminated, a recorded **commitment** made under this section is binding on:

- (A) The **owner** of the **parcel**;
- (B) Any subsequent **owner** of the **parcel**; and
- (C) Any **person(s)** who acquires an interest in the **parcel**.

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(5) Enforcement

Commitments made under this A.C.C. 3-5-3-1(e) shall include provisions for the enforcement of the **commitment**. The **commitment** shall designate the **Board**, Hearing Officer, or **Commission** as a party entitled to enforce the **commitment**. Other appropriate parties, including but not limited to registered neighborhood associations, may also be designated as a party entitled to enforce the **commitment**. A **violation** of a **commitment** shall be considered a **violation** of this ordinance.

(6) Modification and Termination

A **commitment** made under this A.C.C. 3-5-3-1(e) shall automatically terminate if, after the adoption of the **commitment** and approval of the proposed application or zoning map amendment, the approval or zoning classification that is the subject of the **commitment** is changed at some future point. Otherwise, **commitments** made under this section shall only be modified or terminated by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**. Prior to the **Board**, Hearing Officer, or **Commission** considering a request to modify or terminate a **commitment** previously approved under this section, the **Board**, Hearing Officer, or **Commission** shall hold a public hearing on the request. The procedure for the public hearing, including required notice, shall be as established in the **Board's** or **Commission's** rules.

(f) **Conditions**

Wherever this ordinance grants the **Board** or the **Commission** the authority to impose **conditions** on an approval or recommendation:

- (1) All **conditions** imposed shall be reasonably related to the anticipated impacts of the proposed **development** or land **use** and to the purposes of this ordinances; and.
- (2) Such **conditions** may include a requirement for the recordation of a written **commitment** in a form acceptable to the **Board** or **Commission**, as applicable, binding the present and subsequent **owners** of the **parcel** of land affected and all parties having an interest therein, to the terms of the **conditions**.

(g) Lapsing of Approvals

The approvals listed in the table below are valid for the periods indicted in that table. The sections listed in the right-hand column provide more information about periods of validity.

Type of Approval	Lapsing Period	Ordinance Section
Primary Development Plan	24 months	3-3-1-3(d)(6)(A)
Secondary Development Plan	36 months	3-3-1-4(c)(6)(A)
Site Plan	6 months	3-3-2-7(e)(2)
Primary Minor Subdivision	24 months	3-3-3-5(d)(5)(A)
Secondary Minor Subdivision	24 months	3-3-3-5(e)(2)(D)
Primary Major Subdivision	24 months	3-3-3-6(c)(2)(E)
Secondary Major Subdivision	12 months	3-3-3-6(d)(4)(B)
Improvement Location Permit	3 months	3-5-3-2(h)(1)(A)

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Improvement Location Permit

(a) General Provisions

An **Improvement Location Permit** shall be required for the construction, reconstruction, enlargement, or relocation of any **building** or **structure** (including a non-temporary **sign**) unless specifically excluded by this ordinance. No **building** or **structure** shall be erected, constructed, reconstructed, enlarged, or moved prior to the issuance of an **Improvement Location Permit**.

- (1) No **Improvement Location Permit** shall be issued unless the proposed **development** conforms with the provisions and requirements of this ordinance.
- (2) No **Improvement Location Permit** shall be issued for construction that would encroach over a platted front or rear **building** line, unless the applicant documents that the restrictive covenants for the **subdivision** allow such an encroachment. This prohibition shall also apply to all non-allowed construction that does not require an **Improvement Location Permit**.
- (3) No **Improvement Location Permit** shall be issued for the construction, reconstruction, enlargement, or relocation of a **building** or **structure**, or any part of a **building** or **structure** (except for **fences** or **signs**), within a utility or surface drainage **easement**, unless the **easement** has been vacated (if the **easement** is a platted **easement**) or otherwise released.
- (4) No **Improvement Location Permit** shall be issued for construction that would encroach into a **corner visibility area** as defined herein. This prohibition shall also apply to construction that does not require an **Improvement Location Permit**.
- (5) If an application requires the approval of a Development Plan or a Site Plan Review, that approval shall have been granted and all **conditions** of approval satisfied prior to the approval and issuance of any **Improvement Location Permit(s)**.
- (6) When distributed for review by **DPS** staff, no **Improvement Location Permit** shall be issued for any **building** or **structure** until the Fort Wayne-Allen County **Department of Health** has issued an **on-site sewage system** permit or has determined there is no need for an **on-site sewage system** permit.
- (7) When distributed for review by **DPS** staff, no **Improvement Location Permit** shall be issued until the Allen County Surveyor's office approves a site **development** drainage plan for:
 - (A) Any **subdivision** of land as set forth in A.C.C. 3-3-3 (**Subdivision** Control) pursuant to I.C. 36-9-27-69.5; or
 - (B) Any other land **development** as set forth by A.C.C. 3-4-12 (**Floodplain**).
- (8) Notwithstanding the other **Improvement Location permit** validity provisions included herein, any application for a non-Site Plan Review **Improvement Location Permit** shall be void if a complete application is not submitted within three (3) months of the submission of an incomplete **ILP** application.

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(b) Exclusions

An **Improvement Location Permit** shall not be required for the items listed in the following table, but the **development** standards of this ordinance shall still apply.

IMPROVEMENT LOCATION PERMIT EXCLUSIONS		
Accessory building of 200 square feet or less	Grill	Sign (as set forth in A.C.C. 3-4-9)
Access ramp	Hedge	Site lighting facilities
Address marker	Holiday decorations	Solar panel (building mounted)
Arbor	Landscape elements	Storage tank (underground)
Basketball backboard/goal	Mail delivery box	Swing set
Bird bath	Manufactured home, Type II (if located in a manufactured home park)	Television aerial
Bird feeder	Manufactured home, Type III (if located in a manufactured home park)	Temporary sign
Bird house	Name plate	Tree house (not attached to ground)
Commercial communication tower (if located within County right-of-way)	Newspaper delivery box	Trellis
Dog/pet house	Patio (without foundations/footings)	Utility fixtures (including lines/poles/supports)
Driveway	Play equipment	Walk
Fence (temporary construction)	Pond	Wall (retaining)
Fence (agricultural)	Property boundary marker	Yard light
Flagpole	Rain barrel/garden	
Garden	Satellite dish	

(c) Issuance of Permit

(1) Complete permit applications shall be promptly reviewed by **DPS** staff. If the proposed construction is in compliance with the provisions of this ordinance, the permit shall be issued. However, the **Zoning Administrator** may distribute the permit application and supporting information to other applicable entities for review prior to the issuance of the permit. In that case the issuance of the permit may be delayed until any **conditions** of that reviewing entity are satisfied.

- (A) If the proposed construction requires a permit from the **Allen County Building Department** then the **Improvement Location Permit** shall be sent by the **DPS** staff to the **Building Department**.
- (B) If the proposed construction does not require a permit from the **Allen County Building Department**, then the **Improvement Location Permit** shall be sent directly to the applicant.

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- (C) If there is an existing zoning ordinance **violation** on the **lot** included in the permit application, the **Zoning Administrator** may delay the issuance of the permit until such time as the **Zoning Administrator** has determined that the **violation** has been resolved or an adequate to resolve the **violation** has been made.
- (2) If the proposed construction is not in compliance with the provisions of this ordinance, the **Zoning Administrator** shall not approve the application, and shall notify the applicant in writing of the reason(s) why the permit cannot be approved.
 - (A) If the applicant amends the application to bring it into full compliance with the provisions of this ordinance within thirty (30) days after such notice, then the **Zoning Administrator** shall approve and issue the permit.
 - (B) If the application cannot be amended to bring it into full compliance, the **Zoning Administrator** shall defer action on the request to allow the applicant the opportunity to apply for a variance. If a variance is not obtained, or a requested variance is denied by the **Board of Zoning Appeals** or Hearing Officer, then the permit application shall be denied. The applicant may also withdraw the permit application.
 - (C) As part of the review and approval of any **Improvement Location Permit**, the **Zoning Administrator** may place **conditions** on the permit. If **conditions** are placed on a permit, those **conditions** must be satisfied or adequately addressed prior to the issuance of a **Certificate of Compliance** for the project or **use**.
- (d) Lack of **Improvement Location Permit**
 - (1) Any case where construction requiring an **Improvement Location Permit** takes place without the issuance of the required permit shall be a **violation** of this ordinance. In that case, the **Zoning Administrator** shall give the **owner(s)** written notice of the **violation** and the **owner(s)** of the real estate shall be required to make application for an **Improvement Location Permit**, in accordance with this A.C.C 3-5-3-2, within ten (10) business days of notice being given.
 - (2) If the **Zoning Administrator** determines that the **building** or **structure** so erected or maintained fails to conform with the provisions of this ordinance, the **owner(s)** shall be granted thirty (30) business days to complete to the satisfaction of the **Zoning Administrator** the modification necessary to cause the **building** or **structure** to be in compliance with the ordinance.
 - (3) If the **owner(s)** fail to timely apply for an **Improvement Location Permit** as required by subsection (b)(1) above, or if at the end of the thirty (30) day period the **building** or **structure** is not in conformity with the provisions of this ordinance, the **owner(s)** of the real estate on which the **building** or **structure** is located shall be subject to the penalties set forth in A.C.C. 3-5-5.
- (e) Commencement and Continuation of Work

Work on any construction project for which an **Improvement Location Permit** has been issued shall begin within ninety (90) business days of the date of the issuance of the permit. Work shall continue with due diligence until the project is completed.

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(f) Compliance with Approved Plans

All work shall proceed in accordance with the plan(s), specifications, and other information approved as part of the permit application.

(g) Amendment and Modifications

(1) After the **Improvement Location Permit** has been issued, amendments involving the location, design, or layout of a proposed **building** or **structure** that are determined to not be a **substantial change** may be approved by the **Zoning Administrator**. Such an amendment, if approved, shall not require another **Improvement Location Permit** application.

(2) After the **Improvement Location Permit** has been issued the approved plan(s) shall not be amended to include new items such as **accessory structures, decks, further additions, or other similar changes**. Such an amendment shall require another **Improvement Location Permit** application.

(3) An approved **Improvement Location Permit** may not be applied or transferred to another construction project or site or to a different applicant.

(h) Validity and Revocation of Permit

(1) An approved **Improvement Location Permit** may be revoked and declared void by the **Zoning Administrator** in the following situations:

(A) If work on the construction project is not commenced within ninety (90) days of its date of issuance and continued with due diligence to completion; or

(B) If work on the construction project is not completed within eighteen (18) months of the issuance of the permit, unless a request to extend the validity of the permit is submitted prior to the expiration of the eighteen (18) months; this provision shall not apply to Site Plan review **Improvement Location Permits**; or

(C) If work on the construction project is not proceeding in conformance with the approved plan(s), specifications, and other information approved as part of the permit application; or

(D) If work on the construction project is not in compliance with the provisions of this ordinance.

(2) If the **Zoning Administrator** determines that any of the situations listed in A.C.C 3-5-3-2(h)(1) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of non-compliance, and establish a time frame for the work to be brought into full compliance. The **Zoning Administrator** may also issue a stop work order to ensure that no additional work will be done on the project.

(3) If the work on the project is not brought into full compliance within the time frame specified by the **Zoning Administrator**, a stop work order shall be issued (if one has not been previously issued), and the previously issued **Improvement Location Permit** shall be revoked and declared void. In a case where work on the project has not begun within the required ninety (90) days, a stop work order shall not be required, but the permit may still be revoked and declared void.

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- (4) After the revocation of an **Improvement Location Permit** any **person** performing any work in or about the **structure, building** or **lot** shall be subject to the penalties prescribed in A.C.C. 3-5-5.
- (i) **Certificate of Compliance**
- (1) After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**. Upon the completion of the construction included with the issued **Improvement Location Permit**, the **DPS** staff shall take the following actions:
- (A) If the construction is in full compliance with the requirements of this ordinance, the requested **Certificate of Compliance** shall be issued to the **Allen County Building Department**. However, if another review entity has placed a condition on the issuance of the **Certificate of Compliance** as a result of a **DPS** distribution for review, the issuance of the **Certificate of Compliance** may be delayed until the **conditions** of that reviewing entity are satisfied.
- (B) If the **Certificate of Compliance** cannot be issued, the **DPS** staff shall advise the applicant of the reason(s) the compliance cannot be issued. It shall be the applicant's or the designated project representative's responsibility to resolve all outstanding issues, provide any requested information, or schedule any required inspections. The requested **Certificate of Compliance** shall not be issued until all outstanding issues are adequately addressed.
- (2) Any approved **Certificate of Compliance** may be revoked and declared void by the **Zoning Administrator** in the following situations:
- (A) If a **Certificate of Compliance** was issued based on the acceptance of a letter of **commitment** for compliance on a future date that was not fulfilled as specified; or
- (B) If a **Certificate of Compliance** approving a certain **use** was issued and the **use** is no longer in compliance with the provisions of this ordinance.
- (3) If the **Zoning Administrator** determines that any of the situations listed in subsection (i)(1)(B) or (i)(2) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of noncompliance and establish a timeframe for the **use** to be brought into full compliance. If the construction, site, or **use** is not brought into compliance within the timeframe specified the **Certificate of Compliance** shall be revoked and declared void. A new application, filing fee, review and approval shall be required to obtain another **Certificate of Compliance**.
- (j) **Certificate of Use**
- In cases where a landowner, tenant, or occupant to changes any **use** of real estate to another **use** permitted in the **zoning district**, the landowner, tenant, or occupant may request a **Certificate of Use**. The **Certificate of Use** shall certify only that the change in **use** of the real estate is permitted in the **zoning district** and complies with the **use** provisions of the applicable **zoning district**. A new outside **storage** area which does not otherwise require an **Improvement Location Permit** shall require an **Certificate of Use**.

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3-5-3-3

Contingent Uses

(a) List of Contingent Uses

The following **contingent uses** may be permitted by the **Board of Zoning Appeals** after public hearing pursuant to A.C.C. 3-5-3-1(a) in any **zoning district**, if the **Board** determines that the application meets the criteria in section 3-5-3-3(b) below. In granting a **contingent use** permit, the **Board** may impose **conditions** regarding the location, character and other features of the proposed **building, structure** or **use** as are reasonably related to the purposes of this ordinance.

- (1) **Airport** (public);
- (2) **Cemetery (public or private)**;
- (3) **Correctional institution**;
- (4) **Fairground**;
- (5) Government/publicly-owned and operated facility not otherwise permitted (highway/transportation facility, lift station, **sanitary landfill, solid waste** facility, recycling facility, sewage/water treatment plant, and other utility facility);
- (6) **Heliport** (public); and
- (7) **Public works use** (temporary).

(b) Criteria for Approval of Contingent Use

The **Board** shall approve a **contingent use** if the **Board** determines that:

- (1) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (2) The proposed **use** will substantially serve the health, safety, or welfare of the community and will not conflict with the **Comprehensive Plan** or other plan duly adopted by the **Board of Commissioners**.

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3-5-3-4

Special Uses

(a) 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 A.C.C. 3-5-3-1(a). To approve a **special use** the **Board** shall determine that the application meets the criteria in section 3-5-3-4(b) 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 AC.C. 3-4-11-9 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 residence	A1 and A3
Accessory building (non-agricultural) construction ⁽¹⁾	A1
Agriculturally-allied uses ⁽¹⁾	A1
Airstrip/heliport (for corporate or multiple owner use)	A1 and A3
Animal grooming	C1
Animal hospital ⁽¹⁾	A1, C1
Animal keeping (outdoor, small animal)	R1, R2, R3, and MHS
Animal kennel ⁽¹⁾	A1, C1
Animal obedience school	C1
Animal rescue ⁽¹⁾	A1
Animal slaughter houses and poultry establishments ⁽¹⁾	A1
Arena	A1
Asphalt plant ⁽¹⁾	A1
Automatic teller machine (stand-alone ATM)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile sales	C2, NC, and SC
Bed and breakfast	A1, A3, R1, R2, R3, and MHS
Boarding house	A1, A3, R1, R2, R3, and MHS
Building material demolition disposal site	A1
Child care home (class II)	A1, A3, R1, R2, R3, and MHS
Club, private ⁽¹⁾	R1, R2, R3, MHS, and C1
Commercial communication tower ⁽²⁾	A1, C1, C2, NC, SC, C3, C4, BTI , I1, I2, and I3
Community facility (transitional use)	R1, R2, R3, and MHS
Community garden that includes a structure	A1, A3, R1, R2, R3, RP, MHS, C1, C2, and NC
Concrete plant	A1
Contractor (construction, excavation, landscape, tree service)	I1
Country club	A1, A3, R1, R2, R3, and MHS
Dairy/creamery	I1
Distillery (micro)	I1
Educational institution uses	A1, A3, R1, R2, R3, MHS ⁽¹⁾ , C1, C2, C3,
Emergency response facility (transitional use)	R1, R2, R3, and MHS
Equipment rental, general	I1

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SPECIAL USES	
Special Use	District(s) Where Allowed
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, SC, I1, and I2
Golf course	A1, A3, 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, MHS, C1, C2, NC, SC, C3, and C4
Home enterprise ⁽²⁾	A1 and A3
Home workshop ⁽²⁾	A1 and A3
Homeless/emergency shelter (accessory to a religious institution)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
Illuminated recreation field (if adjacent to residential district)	BTI , I1, I2, and I3
Instruction/training/education (transitional use)	R1, R2, R3, and MHS
Junk yard	I2
Live-work unit (transitional use)	R1, R2, R3, and MHS
Livestock operation (high intensity)	A1
Manufactured home, Type II (see A.C.C. 3-5-3-4(c)(5) for additional standards) ⁽²⁾	R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
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
Museum	R1, R2, R3, and MHS
Nature preserve that includes a structure or parking area	A1, A2, 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 building)	C2
Personal service (transitional use) ⁽¹⁾	R1, R2, R3, and MHS
Plant nursery (retail)	A1, C2, NC, and SC
Processing facility (including but not limited to animals, animal products, lumber, timber, raw materials processing)	I2
Professional office/business service (transitional use) ⁽¹⁾	R1, R2, R3, and MHS
Quarry or mine	A1 and A3
Reception, meeting, or recreation hall; clubhouse	A1 and A3

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SPECIAL USES	
Special Use	District(s) Where Allowed
Recreation facility or use (not otherwise permitted) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
Religious institution or school illuminated athletic field(s)	R1, R2, R3, MHS, C1, C2, NC, and SC
Residential facility for a court-ordered re-entry program	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Residential facility for homeless individuals (if adjacent to a residential district)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Retail (limited)	C1
Riding stable, nonresidential	A1 and A3
Salvage yard	I2
Sanitary landfill ⁽²⁾	A1
Sawmill ⁽²⁾	A1
Sheet metal fabrication and/or processing	I1
Shooting range (indoor)	C2, and SC
Shooting range (indoor or outdoor archery, firearm, skeet, trap, or similar)	A1
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	A1 and A3
Solar panel (ground mounted)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2, and I3
Solid waste transfer station	A1 and I2
Stadium/racetrack	A1
Storage building (as a primary building)	A1
Studio (transitional use)	R1, R2, R3, and MHS
Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision	R1, R2, R3, and MHS
Tattoo establishment	C1
Tree service	C3 and C4
Two family dwelling (to allow conforming status for existing nonconforming dwellings)	A1, A3, MHS, and R1
Utility facility, private (not otherwise permitted or exempt)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4
Veterinary clinic	A1, C1
Wind energy conversion system (micro) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2, and I3
Wind energy conversion system (standard) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2, and I3
Winery	A1
Notes:	
(1) See the individual zoning districts for possible additional use standards	
(2) See 3-5-3-4(c) for additional use standards	

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(b) Criteria for Approval of **Special Use**

In reviewing an application for any **special use**, the **Board** may consider the location and size of the **use**; the nature and intensity of the operations involved in or conducted in connection with it; and its site layout, including access provisions and parking requirements, and may approve a **special use** if the **Board** determines that:

- (1) The proposed **use** will not be unduly detrimental to the **use**, value, pattern of **development**, or growth of the surrounding area;
- (2) The location, size, intensity, site design, and operation of the proposed **use** will be compatible with the immediate area;
- (3) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (4) If the application is for one of the following listed **special uses**, in addition to the criteria above, the **Board** shall also determine that the proposed **use** will not be injurious to the public health, safety, or welfare of the community:
 - (A) **Agriculturally-allied uses**;
 - (B) **Airstrip/heliport** (corporate/multiple **owner** use);
 - (C) Animal **slaughter houses** and poultry establishments;
 - (D) **Arena**;
 - (E) **Asphalt plant**;
 - (F) **Building material disposal site**;
 - (G) **Concrete plant**;
 - (H) **Livestock operation (high intensity)**;
 - (I) Quarry or mine;
 - (J) **Recreation facility or use** (not otherwise permitted);
 - (K) **Sanitary landfill**;
 - (L) **Sawmill**;
 - (M) **Shooting range** (indoor or outdoor);
 - (N) **Solid waste transfer station**;
 - (O) **Stadium/racetrack**; and
 - (P) **Utility facility, private**.

(c) Additional **Special Use** Standards and Provisions

The following standards shall apply as applicable to applications for **special use** approvals.

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- (1) **Commercial communication tower**
 - (A) A **special use** shall not be required for a wireless support **structure**, as defined in I.C. 8-1-32.3-14, if the proposed wireless support **structure** is located within the **County right-of-way**.
 - (B) A **special use** shall not be required for the location of additional cabinets or shelters for an existing tower.
 - (C) A **special use** shall not be required for the co-location of antennae in any **district** on an existing **building** or **structure**. Antennae shall be permitted to extend up to 20 feet above the existing **building**. A **Certificate of Compliance** shall be obtained for all antennae locations and co-locations.
 - (D) In addition to meeting the requirements set forth in A.C.C 3-5-3-4(b) the **Board** shall also find the following as a part of its approval:
 - (i) The proposed communication tower is necessary to serve either new providers of service, or documented service gaps in the immediate area; and
 - (ii) The applicant is unable to locate or co-locate on an existing **structure**.
 - (E) New communication towers approved by the **Board of Zoning Appeals** shall conform to the following **development** standards:
 - (i) The tower **structure** shall not exceed 199 feet in height for a new service provider, and 80 feet in height for towers intended to fill in service gaps for an existing provider;
 - (ii) The **setback** requirement for towers shall be as follows. **Setbacks** shall be measured from the base of the tower to the applicable **lot lines**.

TOWER SETBACK REQUIREMENTS	
Front yard (including through lots)	75% of tower structure height
Side yard – interior lot line	50% of tower structure height
Side yard – street frontage side of corner lot	75% of tower structure height
Rear yard	50% of tower structure height

- (2) **Home business**
 - (A) The **Board** may limit the number of outside employees who work at the home;
 - (B) No outside display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to four (4) square feet; and
 - (C) Food-related **uses** shall also require Fort Wayne-Allen **County Department of Health** approval.
- (3) **Home enterprise**
 - (A) The **Board** may limit the number of employees;

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- (B) The area used for outside **storage** for the **home enterprise** shall be: limited to the size of the **building** used for the workshop, up to 4,000 square feet; permitted up to eight (8) feet in height; and adequately screened; the **Board** may further limit the outside **storage** area;
 - (C) Adequate on-site parking shall be provided for employee and client/customer parking; and
 - (D) **Home enterprises** shall only be considered for properties previously approved for a **home workshop** or a different **home enterprise**.
- (4) **Home workshop**
- (A) The **Board** may limit the number of employees;
 - (B) The area used for outside **storage** for the **home workshop** shall be limited to the area of the workshop, and shall be adequately screened; the **Board** may further limit the outside **storage**;
 - (C) Except for vehicles or equipment, outside **storage** shall be limited to eight (8) feet in height; and
 - (D) Adequate on-site parking shall be provided for employee and client/customer parking.
- (5) **Manufactured home, type II**
- In addition to meeting the requirements set forth in A.C.C. 3-5-3-4(b) the **Board** shall determine that the home is:
- (A) Compatible with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; and foundation type and construction; and
 - (B) Constructed of roofing and siding materials compatible with the immediate area.
- (6) **Sanitary landfill**
- (A) The minimum size of a **sanitary landfill** facility shall be seventy (70) acres.
 - (B) Minimum required depth of front, rear or **side yards** shall be one hundred (100) feet, and no portion of the filling operation shall be conducted in that area. Paved roadways may be located within the front, rear or **side yards**.
 - (C) No part of a **sanitary landfill** property shall be located less than six (6) miles from a public **airport**.
 - (D) The entire landfill operation shall be enclosed with a **wall, fence** or other approved barrier at least five (5) feet in height; facilities for after-hours acceptance of **refuse** need not be within the area enclosed by the **wall, fence, or barrier**.
 - (E) A **Board**-approved site screening strip at least thirty (30) feet in width shall be provided and maintained between the exterior boundaries or property lines of the project and the fencing set forth in subsection (D) above. Site screening can include planting and earth berming or mounding.
- (7) **Solid waste transfer station**
- Any waste receptacles stored outside shall be stored on a paved surface.

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3-5-3-5 Variances from **Development** Standards

The **Board of Zoning Appeals** may approve variances from the **development** standards prescribed by this ordinance pursuant to IC 36-7-4-918.5, if the **Board** makes a written determination by that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (b) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner; and
- (c) The strict application of the terms of this ordinance will result in practical difficulties in the **use** of the property.

3-5-3-6 Use Variances

The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (b) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner;
- (c) The need for the variance arises from some condition peculiar to the property involved;
- (d) The strict application of the terms of the ordinance will constitute an unnecessary **hardship** if applied to the property for which the variance is sought; and
- (e) The approval does not interfere substantially with the **Comprehensive Plan** or any other plan duly adopted by the **Board of Commissioners**.

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ALLEN COUNTY ZONING ORDINANCE

3-5-3-7

Zoning Map Amendments

(a) Purpose

The following procedures, requirements, and standards are established to allow for proper **Commission** review and consideration of zoning map amendment applications in conformance with the objectives and strategies of the **Comprehensive Plan**, and to comply with the provisions of the IC 36-7-4-600 series (Zoning Ordinance).

(b) Procedure

(1) Pre-application Discussion

Prior to the submission of an application to amend the zoning map, the applicant is encouraged to meet with the **DPS** staff to discuss the proposal. The purpose of this discussion is to:

- (A) Acquaint the applicant with the requirements and procedures of the rezoning process; and
- (B) Advise the applicant of potential issues relative to the request, and how to proceed with the request.

(2) Application Initiation and Submission Requirements

- (A) Per I.C. 36-7-4-602(c)(1)(B), an applicant initiate an application to amend the zoning map . The applicant for a zoning map amendment shall submit an application form and supporting information as established by the **Commission's** rules. **DPS** staff shall only place an application on the **Commission's** next available public hearing agenda after all submittal requirements have been received. A determination made by the **DPS** staff with regard to the completeness of information required for an application may be appealed to the **Commission** in accordance with the **Commission's** rules.
- (B) The **Commission** may also initiate an application to amend the zoning map, in accordance with IC 36-7-4-602(c) and the **Commission's** rules.
- (C) The **Board of Commissioners** may also initiate an application to amend the zoning map, in accordance with IC 36-7-4-602(c) and the **Commission's** rules, and direct the **Commission** and **DPS** staff to prepare it.

(3) **Commission** Review and Recommendation

(A) Public Hearing

All proposed zoning map amendment requests shall be reviewed by the **Commission** at a scheduled public hearing. The **Commission** shall establish hearing procedures by rule.

(B) Recommendation of **Commission**

After a public hearing on the request, the **Commission** may make a recommendation on the proposed zoning map amendment at its next scheduled business meeting. The **Commission** may make a favorable recommendation, an unfavorable recommendation, or no recommendation on the request. The **Commission** shall enter written findings setting forth the reasons for its action. The **Commission** may defer action on a proposed

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zoning map amendment if it needs additional information or additional time for consideration of the request. If the **Commission** permits or requires a **commitment** in conjunction with its review of a proposed zoning map amendment, as set forth in A.C.C. 3-5-3-1(e), the **Commission** may defer action on the request until the **commitment** has been executed. Any action by the **Commission** shall be taken in accordance with IC 36-7-4-605 and the **Commission's** rules. In considering an application for a zoning map amendment, the **Commission** and **Board of Commissioners** shall pay reasonable regard to:

- (i) The **Comprehensive Plan**;
- (ii) Current conditions and the character of current **structures** and **uses** in each **district**;
- (iii) The most desirable **use** for which the land in each **district** is adapted;
- (iv) The conservation of property values throughout the jurisdiction; and
- (v) Responsible **development** and growth.

(C) Notice of Recommendation

Notice of the **Commission's** recommendation on a proposed zoning map amendment shall be provided as established in the **Commission's** rules.

(D) Certification of Recommendation

The **Commission's** recommendation shall be certified to the **Board of Commissioners**, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

(E) **Board of Commissioners** Decision

The **Board of Commissioners** shall consider and take action on the **Plan Commission's** recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

3-5-3-8 Zoning Text Amendments

(a) Purpose

The following procedures are established to allow for proper **Commission** review and consideration of ordinance text amendments, in conformance with objectives and strategies of the **Comprehensive Plan** and to comply with the provision of IC 36-7-4-600 series (Zoning Ordinance),

(b) Procedure

The **Commission** shall establish by rule procedures for the preparation, processing, review, and action on any proposal to amend or partially repeal the text of the ordinance, including notice and hearing, pursuant to IC 36-7-4-606 and IC 36-7-4-607.

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Chapter 4 Nonconforming Situations

3-5-4-1 Purpose

The purpose of this chapter is to set forth criteria, standards, and procedures for establishing, continuing, altering, or discontinuing **nonconforming uses, structures, lots** and situations. This section is intended to provide for the continued **use** of nonconforming **structures, uses, lots** and situations, along with reasonable maintenance and repairs.

3-5-4-2 Nonconforming Lots

Any **lot** established by legally recorded **plat** or deed prior to April 3, 2014 that does not meet the minimum size or dimension requirements of this ordinance, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may still be used for any **use** or **structure** permitted in the **zoning district** in which the **lot** is located, but any **buildings** or **structures** constructed on such a **lot** shall comply with all applicable requirements for that **building** or **structure**. Any **lot** located within a recorded residential plat previously approved with lesser yard requirements shall be permitted to be developed for single **family** residential use, and any existing single **family** detached residences may be enlarged in accordance with the previously approved setbacks. If a single **family** detached residence on a **lot** with nonconforming yard requirements is damaged or destroyed, the residence shall be permitted to be rebuilt in accordance with the previously approved yard requirements.

3-5-4-3 Nonconforming Uses

(a) Continuation

Except as otherwise provided in this chapter, a **use** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may be continued.

(b) Expansion of Use

- (1) A **nonconforming use** may be expanded or extended into any other portion of the **structure** that legally existed at the time the **nonconforming use** was established.
- (2) A **nonconforming use** on a part of a **lot** that is not inside a **building** shall not be expanded or extended into any other portion of such **lot**.
- (3) A single **family**, two **family**, or attached single **family** residential **structure**, located in a zoning **district** that does not permit single **family uses**, may be added to or enlarged, provided the **addition** conforms to all applicable residential setback requirements. Residential **accessory structures**, such as a **fence, garage, or shed**, shall also be permitted.
- (4) **Uses** located in a **BTI district** that have become nonconforming due to reclassification or amendment to this ordinance may be added to or enlarged on (a) the property shown on the Allen **County** Assessor's Office property record card for the property at the time of the rezoning or amendment that created the nonconforming situation or (b) the **development site** where the **building** and improvements are located at the time of the rezoning or amendment that created the nonconforming situation, provided the **addition** conforms to all other applicable provisions of this ordinance.

ALLEN COUNTY ZONING ORDINANCE

3-5-4-4 Nonconforming Buildings or Structures

(a) Continuation

Except as otherwise provided in this chapter, a **nonconforming building or structure** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, shall be permitted to continue.

(b) Additions or Enlargement of Buildings or Structures

A **building or structure** nonconforming as to height, **yard** requirements or **lot** area per **buildings** may be added to or enlarged in any manner that does not increase an existing nonconformity in height or **yard** requirements or **lot** area per **building** or create a new nonconformity with any of those requirements.

(c) Mobile Home Parks

Any **mobile home park** that existed as of March 15, 1960 and is located in a **zoning district** that permitted a **mobile home park** either as a permitted **use** or by special exception may be continued, except that any change in layout, expansion or extension shall be subject to all provisions of A.C.C. 3-2-11.

(d) Maintenance or Reconstruction

- (1) A **nonconforming building or structure** lawfully existing as of March 2, 1998 may be maintained or repaired provided that the **nonconforming building or structure** is not expanded, enlarged, or otherwise increased in size.
- (2) An undamaged **nonconforming building or structure** may be reconstructed if the reconstruction does not result in the removal or demolition of any exterior **wall** (unless such removal or demolition will result in that exterior **wall** meeting the requirements of the ordinance), and the reconstruction is no more than double the total value of the **nonconforming building or structure**.

3-5-4-5 Other Nonconforming Situations

(a) Fences

Fences that are nonconforming with regard to location on the **lot** may be maintained and repaired as necessary. Such a **fence** may also be replaced, provided the location, style, and material of the **fence** remains the same and the height is not increased. However, in the event of a **fence** containing barbed wire, razor wire or other harmful material, the replacement of that part of the **fence** shall only be permitted in accordance with the applicable current requirements of the **zoning district** where the **fence** is located. Any **person** proposing to replace such a nonconforming **fence** shall submit adequate documentation as part of the application for the **Improvement Location Permit** for the **fence** verifying the current location, height and fencing material to **DPS** staff. The replacement **fence** shall conform to all other applicable provisions of this ordinance. This exclusion shall not apply to a proposal to replace any existing **fence** located within a required **front yard** unless the **fence** is in line with an existing **building** or is moved back to be in line with an existing **building**. In that instance the style and/or material of the **fence** may also be changed, provided the **fence height** is not increased.

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(b) **Parking Areas**

Parking areas that do not conform to the **development**, landscaping, and/or screening and buffering standards of A.C.C. 3-4-4 (Development Design Standards) or A.C.C. 3-4-8 (Screening and Buffering), may continue to be used. Any proposed expansion of such a **parking area** shall be required to conform to the applicable **development** standards of this ordinance in the area of that expansion. The resurfacing, restriping, or similar maintenance of existing **parking area** shall not be considered an **addition** or expansion.

(c) **Signs**

Nonconforming **signs** shall be governed by the provisions of A.C.C. 3-4-9.

(d) **Acquisition of Property for Public Purposes**

If a government or quasi-governmental entity acquires property for public purposes, and the result of that acquisition is to reduce **lot area**, **lot width**, **lot setbacks** below the minimums required by this ordinance in the **district** where the property is located, or otherwise results in **development** on the property not complying with the requirements of this ordinance, and that deviation from the requirements of this ordinance did not exist before the acquisition of property for public purposes, then the deviation from the requirements of this ordinance created by acquisition of property for public purposes shall not be considered a non-conformity, and the applicant's rights with regard to the remaining property shall be the same as if a portion of the property had not been acquired for public purposes.

3-5-4-6 Discontinuation and Damage

(a) **Discontinuation of Use**

Any **nonconforming use** has been discontinued for a period of twelve (12) consecutive months as determined by the **Zoning Administrator** shall be deemed abandoned and shall not be permitted to be reestablished. Any subsequent **use** of the **lot** shall only conform to the **use** provisions of this ordinance.

(b) **Restoration of Damaged Building or Structure**

(1) A damaged **nonconforming building** or **structure** may be reconstructed or restored if the cost of **restoration** or reconstruction is no more than double the total value of the **nonconforming building** or **structure**. A damaged **nonconforming building** or **structure** that costs more than double the total value of the **nonconforming building** or **structure** to repair shall only be repaired or rebuilt in conformance with the provisions of this ordinance. However, a nonconforming **detached single family residential structure** located in a **district** which does not allow new **single family detached residential structures** shall be permitted to be rebuilt, provided it meets the other applicable standards of this ordinance.

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(2) For purposes of this subsection, the “value of the **nonconforming structure**” shall be presumptively determined by the property **owner’s** most current property **record** card that is maintained by the applicable agency **responsible for assessing** the property for real estate taxes. The property **owner** may attempt to prove the value of **nonconforming structure** by providing the **Zoning Administrator** with an appraisal that is completed and signed by an appraiser licensed by the State of Indiana and performed in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP). The **Zoning Administrator** shall determine the value of the original **nonconforming structure**.

(c) **No Expansion of Damaged Structure**

Any damaged **nonconforming building** or **structure** shall be reconstructed or restored within the boundaries of the footprint of the original **nonconforming building** or **structure**, and the original **nonconforming building** or **structure** shall not be expanded or enlarged. Any **nonconforming building** or **structure** that is restored or reconstructed at more than double the total value of the **building** or **structure**, or that is expanded outside of the footprint of the original **nonconforming building** or **structure**, shall result in the **building** or **structure** losing its nonconforming status and the **building** or **structure** shall be required to meet the requirements of this ordinance.

3-5-4-7

Documentation

An applicant or **owner** claiming the existence of a nonconforming **structure, use, lot,** or site feature shall bear the burden of supplying the **Zoning Administrator** with adequate documentation verifying that the **structure, use, lot,** or site feature is nonconforming. The **Zoning Administrator** shall review the submitted information and make a determination as to the validity of the **use**.

ALLEN COUNTY ZONING ORDINANCE

Chapter 5 Enforcement

3-5-5-1 Purpose

The purpose of this section is to:

- (a) Provide for the enforcement of the provisions of this ordinance; and
- (b) Establish standards, procedures, and requirements for **violations** and penalties.

3-5-5-2 Enforcement Officials

The **Plan Commission, Board of Zoning Appeals**, Executive Director, **Zoning Administrator**, any zoning enforcement officers designated by the **Zoning Administrator**, and **DPS** staff are designated and empowered to enforce the provisions and requirements of this ordinance. The enforcement shall be carried out as set forth in this chapter, the **County Code**, and by rule in accordance with the provisions of this ordinance and IC 36-7-4.

3-5-5-3 Conformance

All departments, officials and employees of Allen **County** with the authority to issue permits or licenses within the **planning jurisdiction** of the **County** shall do so only in conformance with the applicable provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

3-5-5-4 Violations

Each of the following shall be a **violation** of this ordinance and a common nuisance:

- (a) The erection, raising, conversion, construction, enlargement, moving or maintenance of any **building** or **structure**, or the **use** of any land or **lot**, or **building** or **structure** that is contrary to any of the provisions of this ordinance, including but not limited to:
 - (1) Constructing a **building** or **structure** without a required **Improvement Location Permit**;
 - (2) Constructing a **building** or **structure** not in conformance with an issued **Improvement Location Permit**;
 - (3) Occupying a **structure** without a **Certificate of Compliance**; or
 - (4) Operating a **use** in a **zoning district** where that **use** is not permitted.
- (b) Any **person**, whether as an agent, **owner**, lessee, tenant, contractor, builder, architect, **engineer** or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or is liable under this ordinance for maintaining a common nuisance, shall be in **violation** of this ordinance.
- (c) In addition, the failure or refusal of a **developer**, or the **developer's** successor in interest, to completely install improvements in a Development Plan or **Subdivision** in accordance with this ordinance and/or with the **developer's** plans and specifications for the Development Plan or **Subdivision**, as approved by the **Commission**. The **owner** or occupier of such **building, structure, land, or lot**, or as to uncompleted improvements in a Development Plan or **Subdivision**, the **developer** or the **developer's** successor in interest, shall be in **violation** of this ordinance and held liable for maintaining a common nuisance.

ALLEN COUNTY ZONING ORDINANCE

3-5-5-5

Enforcement Powers

Those officials and entities of Allen **County** listed in A.C.C. 3-5-5-2 may enforce **violations** of this ordinance by any or all of the following means, and the use of one means shall not prevent those officials and entities from using a different or additional means to enforce the same **violation** unless prohibited by State law.

(a) Stop Work Order

- (1) The **Zoning Administrator**, Executive Director, the **Board of Zoning Appeals**, and the **Plan Commission** shall have the authority to issue an order for work on any **building, structure, land, lot, or development site** to be immediately stopped, if the work is in **violation** of this ordinance, and to call upon the police power of the **County** to give effect to that order.
- (2) A decision by the **Zoning Administrator** or Executive Director to issue a stop work order shall be appealed to the **Board**, in accordance with the provisions of this ordinance and the **Board's** rules, or with respect to a Development Plan or **Subdivision**, to the **Commission**.
- (3) The stop work order shall remain in effect during the pending of any appeal, and after an appeal unless it is removed, rescinded, modified or revoked by the **Board**, or if applicable, the **Commission**.
- (4) A **violation** of a stop work order shall be considered a **violation** of this ordinance.

(b) Non-Issuance of **Improvement Location Permits**

- (1) No **Improvement Location Permits** shall be issued for any improvements on **lots** or **parcels** of land that have been **subdivided** contrary to the provisions of this ordinance; provided however, that the **Zoning Administrator** or Executive Director shall be allowed to issue such permits to the applicant upon the expiration of the time period specified in A.C.C. 3-3-3-3(b) that would have applied had there been compliance with this ordinance.
- (2) In the event a **dwelling** within a **Commission** approved recorded **Subdivision Plat** is occupied prior to the issuance of a **Certificate of Compliance** for that **dwelling**, and the **Certificate of Compliance** cannot be issued because all improvements serving the **dwelling** (as shown on the approved **subdivision plans**) have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **lots** within that recorded **plat** until all previously approved **subdivision** improvements serving that **dwelling** are properly installed and operational and that **dwelling** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(c) Non-Issuance of Development Plan Project Permits

In the event a **building** or **structure** within an approved Development Plan is occupied prior to issuance of a **Certificate of Compliance** for that **building** or **structure**, and the **Certificate of Compliance** cannot be issued because all improvements serving that **building** or **structure** (as shown on the approved Development Plan) have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **buildings** or **structures** within that Development Plan until all previously approved improvements serving that **building** or

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structure are properly installed and operational and that **building** or **structure** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(d) **Breach of Bond**

The Executive Director, for and on behalf of the **Board** and Allen **County**, may enforce through legal proceedings or otherwise any breach of a **bond** executed by a **developer** and posted with the **Commission** pursuant to the provisions of A.C.C. 3-3-3-6(f).

(e) **Violation Prosecution**

Any **person** that commits a **violation** of this ordinance may be prosecuted as set forth in this ordinance in the Allen **County** Circuit Court or Superior Court, for such **violation**. Each calendar day of the existence of a **violation** may be considered as a separate offense.

(f) **Injunctive Relief**

(1) **Abatement**

The individual(s) or entities designated in this ordinance may bring an action for injunction in the Allen **County** Circuit Court or Superior Court to restrain any **person** from violating or continuing to violate any provision of this ordinance and to cause that **violation** to be resolved, removed, or abated. Any other aggrieved property **owner** or entity may also initiate such action.

(2) **Removal of Structure**

The individual(s) or entities designated in this ordinance may bring an action in the Allen **County** Circuit Court or Superior Court for a mandatory injunction directing a **person** who violates, or is liable for a **violation** of, this ordinance, to remove such **building, structure, sign, fence, and/or addition/enlargement** to an existing **building** or **structure** erected, used, or maintained in **violation** of this ordinance.

(g) **Payment of Costs**

Any **person** found to be in **violation** of this ordinance in an enforcement action shall be responsible to pay all applicable attorney **fees**, court costs, and other costs and expenses incurred by the **Commission**, Executive Director, **Zoning Administrator**, **Board of Zoning Appeals** or property **owner** who is damaged in connection with the prosecution of the enforcement action.

(h) **Private Covenants, Restrictions or Agreements**

Private covenants, restrictions and/or agreements, whether by deed or other instrument, that impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations upon the individual(s) or entities designated in this ordinance unless the **Commission** or the **Board** had accepted in writing, and had specifically accepted the responsibility for enforcement of, the terms and **conditions** of any such private covenant, restriction or agreement.

(i) **Provision Affect or Modification**

The provisions of this ordinance shall not be construed to be affected or modified by any Indiana statute or any other Allen **County** ordinance, whether such statute or ordinance may be more restrictive or lenient, or impose any different standards than are required under this ordinance, unless this ordinance or the law specifically provide to the contrary.

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(j) Remedies Cumulative

The remedies provided for in this section are cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

(k) Penalty

A **person** who commits a **violation** of this ordinance shall be fined an amount of not more than two thousand five hundred dollars (\$2,500.00) for each offense.

3-5-5-6

Administrative Proceedings for **Violations**

- (a) This ordinance restricts and prohibits actions that are harmful to land, air, and water and the **County** wants to provide an administrative proceeding to assess fines for **violations** of this ordinance.
- (b) The **County** hereby establishes an administrative proceeding for the hearing of certain **violations** of the ordinance pursuant to I.C. 36-7-4-1013(a) and I.C. 36-1-6-9.
- (c) Pursuant to I.C. 36-1-6-9(b), the **County** hereby appoints the **County** hearing officer appointed by the **County** pursuant to I.C. 36-7-9 and A.C.C. 6-5, as amended from time to time, as the administrative body to hear and enforce **violations** of this ordinance.
- (d) In an administrative proceeding to enforce this ordinance:
- (1) An attorney designated by the **Commission** shall, upon receipt of information, make an investigation of the alleged zoning **violation**, and if the acts elicited by the investigation are sufficient to establish a reasonable belief that a **violation** of this ordinance has occurred on the part of the party being investigated, the attorney designated by the **Commission** may file a complaint against the **person** and prosecute the alleged **violation** before the hearing officer designated in subsection (c) above. The complaint shall contain:
 - (i) The date of the alleged **violation**;
 - (ii) The name of the responsible **person**;
 - (iii) The address of alleged **violation**;
 - (iv) The provision(s) of this ordinance allegedly violated;
 - (v) A brief statement supporting the alleged **violation**; and
 - (vi) The amount of the civil penalty sought under this ordinance.
 - (2) The complaint shall be served by U.S. mail and by certified mail, return receipt requested, on the **owner** of the real estate at the last address shown on the property record card maintained by the Allen **County** Assessor.
 - (3) The hearing officer appointed under subsection (c) above shall provide a notice of the hearing and conduct a hearing on the complaint and the alleged **violation**, and any alleged defenses thereto, in accordance with I.C.36-7-9 and A.C.C. 3-5-2-3, as amended from time to time;
 - (4) At the administrative hearing, the alleged **violation** of this ordinance must be proven by a preponderance of the evidence with the **Commission** having the burden of proof;

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- (5) If the **person** is found to have violated this ordinance, the administrative body may impose a penalty against the **person** in accordance with a schedule of penalties adopted by the **Plan Commission**; the amount not to exceed \$2,500.00.
- (e) A **person** who receives a penalty from the hearing officer under this A.C.C. 3-5-5-6 may appeal the order imposing the penalty to either the Allen Superior or Allen Circuit Court, alleging that the order was arbitrary, capricious, unreasonable or contrary to law. An appeal of an order imposing a penalty for violating this ordinance must be filed with either the Allen Superior or the Allen Circuit Court not more than sixty (60) days after the day on which the order is entered.
- (f) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, then no applications shall be accepted, nor shall any permit be issued, for that real estate until the all of the unpaid civil penalties have been paid in full.
- (g) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, the **Zoning Administrator** may record with the Allen **County Recorder** a notice of the unpaid civil penalty, which notice of civil penalty shall constitute a lien against the real estate.
- (h) The administrative enforcement proceedings under this A.C.C. 3-5-5-6 shall be cumulative, and not exclusive, and shall be in addition to any other enforcement remedies provided by this ordinance or law.

3-5-5-7

Right of Entry

The **Zoning Administrator** may enter upon any **lot** with the approval of the property **owner** at any reasonable time to make inspections of all **buildings, structures, uses, or lot** located with the jurisdiction of this ordinance to determine compliance with the provisions of this ordinance. All inspection shall be subject to the following standards and **conditions**:

- (a) The **Zoning Administrator** shall furnish to the **owner**, tenant or occupant of the **building, structure or lot** sought to be inspected, sufficient identification and information to demonstrate that the **person** is a representative of the **Commission** and the purpose of the inspection.
- (b) The **Zoning Administrator** may apply to any court of competent jurisdiction for legal process for the purpose of securing entry to any **building, structure, or lot** if the **owner**, tenant or occupant **refuses** to grant entry.

3-5-5-8

Action to Bring Compliance; Expenses as a Lien against Property

The **Zoning Administrator** shall be entitled to enforce the provisions of this ordinance under I.C. 36-1-6-2, including but not limited to providing a notice of the **violation**, entering upon the property to take appropriate action to bring the property into compliance with this ordinance, assessing the expenses incurred in bringing the property into compliance, and filing and recording a lien against the property. The provisions of I.C. 36-1-6-2, as amended, are incorporated herein by reference.

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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:

A Zone (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

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**. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. Examples of an integrated **accessory dwelling unit** shall include no separate primary entrances, no separate utility metering, or internal access between the **accessory dwelling unit** and the rest of the residence.

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**.

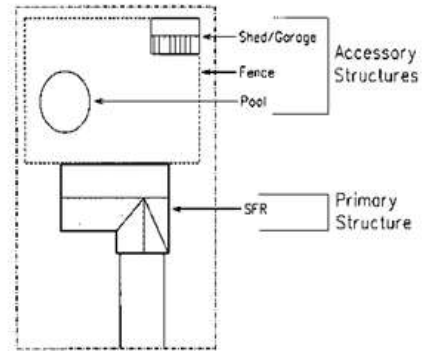
Accessory Structure (Appurtenant Structure) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

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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;
- (2) Are clearly incidental to and customarily found in connection with a **primary building** or use; and
- (3) Are subordinate to and serving a **primary building** or use.



Accessory and Primary Structures

Accessory Structure, Residential

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

- (1) Are located on the same **lot, tract, or development site** as the primary **residential building**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building** or use;
- (3) Are subordinate to and serving a **primary building** or use; and
- (4) Contribute to the comfort, convenience or necessity of the occupants in the **primary building** or use.

Accessory Use

A **use** that:

- (1) Is located on the same **lot, tract, or development site** as the **primary building** or use;
- (2) Is clearly incidental to and customarily found in connection with a **primary building** or use (including **public utility**, communication, electric, gas, water and sewer lines, their supports and incidental equipment);
- (3) Is subordinate to and serves a **primary building** or use; and
- (4) Contributes to the convenience or necessity of the occupants of the **primary building** or use.

Addition

Any construction that involves an extension or increase in the square footage, size, or height of an existing **building** or **structure**.

Addition (to an existing Structure) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Adjacent

Two or more **lots** whose external boundaries adjoin one another. For the purposes of the landscape and **yard** requirement standards, **lots** shall also be considered **adjacent** if separated by a strip of land of less than 25 feet in width, or a **street right-of-way** of 60 feet or less. A Code P-1 landscape standard shall apply to a **parking area** separated from a residential **district** by a **street right-of-way** of less than 60 feet. For the purposes of the **floodplain** regulations, **adjacent** shall mean “adjoining”.

Administrative Manual

That manual adopted or amended from time to time by the **Plan Commission** containing information on the use or interpretation of this ordinance or **uses, development**, or procedures described in this ordinance, which may include but shall not be limited to application forms and requirements and formats for submission; flowcharts of procedures; public notice requirements; interpretations of terms; and rules of procedure for the **Plan Commission** or **Board of Zoning Appeals**.

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Adult Care Center

A **building**, other than the operator's primary place of residence, where adults receive **day care** from a provider:

- (1) While unattended by a relative, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

It is intended that **adult care centers** be classified as commercial **uses**, and be located in commercial **zoning districts**.

Adult Care Home

A residential **structure**, which is the primary residence of the adult care provider, in which more than six (6) but less than twelve (12) adults not related to the provider receive **day care** for regular compensation.

Agricultural Building or Structure

A **building** or **structure** designed primarily for agricultural purposes in which the majority of the **structure** is used for the **storage** or propagation of crops and/or materials used in the preparation of crops, or for **storage**, protection and maintenance of farm machinery and equipment, or for the housing or preparation of **domestic farm animals** for marketing, all primarily for the **use** of the **owner** or occupant.

Agricultural Fence (see "Fence, Agricultural")

Agricultural Livestock Operation

An agricultural operation where **domestic farm animals** are kept for use as part of a farm or raised for sale.

Agricultural Livestock Operation, High Intensity

An agricultural operation where **domestic farm animals** are kept for use as part of an **agricultural use** or raised for sale, where the number of animals meets the State definition of a **confined feeding operation** (I.C. 13-11-2-40).

Agricultural Use

The primary or **accessory use** of a **tract** of land for normal agricultural activities, including farming and dairy farming, pasturage, agriculture, **apiculture**, horticulture, floriculture, viticulture, and **domestic farm animal** husbandry, and the necessary **accessory building, structures, and uses** for packing, treating, or storing the produce.

Agriculturally-allied Use

Uses that support agricultural activities, including but not limited to agriculture equipment repair facility; commercial dairy for the processing, packaging and distribution of dairy products; feed mills where grain is processed on a commercial basis; fertilizer sales, mixing and **storage**; **domestic farm animal** sales/auction barns; and trucking operation primarily engaged in commercial transportation of agricultural products.

Agronomic Crop Production

The **use** of a **tract** of land for field crop production, excluding horticultural/specialty crops.

Aircraft Overflight Area (see Airport Overlay District definitions)

Airport (see Airport Overlay District definitions)

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Airport Authority (see Airport Overlay District definitions)

Airport Master Plan (see Airport Overlay District definitions)

Airport Operational Area (AOA) (see Airport Overlay District definitions)

Airport Overlay Districts (AOD) (see Airport Overlay District definitions)

Airspace (see Airport Overlay District definitions)

ALLEN COUNTY ZONING ORDINANCE

Airport Overlay District Definitions

- **Aircraft Overflight Area**

An area that includes any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

- **Airport**

The Fort Wayne International **Airport** and Smith Field **Airport**, including areas used or intended to be used for the landing and take-off of aircraft, and any appurtenant **airport facility buildings, structures, or uses**.

- **Airport Authority**

The Fort Wayne-Allen **County Airport Authority**. The **Airport Authority** is the governing body of Fort Wayne International **Airport** and Smith Field **Airport**.

- **Airport Master Plan**

The Fort Wayne International **Airport** and Smith Field Master Plan Reports.

- **Airport Operational Area (AOA)**

Any area of an **airport** used or intended to be used for landing, take-off, or surface maneuvering of aircraft. An **AOA** includes paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its **runways, taxiways, or apron**.

- **Airport Overlay Areas**

An area intended to place additional land **use conditions** on land impacted by the **airport** while retaining the existing underlying zone. The **FAR Part 77 Surfaces** and **Runway Protections Zones (RPZs)** comprise six **Airport Overlay Areas**. The six specific areas create a comprehensive area focused on maintaining compatible land **use** around each **airport**.

AREA 1 (Inner Safety Area)

Area 1 includes the area of all **airport runways**, the area off the end of each **runway** (including the **RPZs**) and the area within each **runway** approach, out to the inner edge of the **Conical Surface**.

AREA 2 (Horizontal Area)

Area 2 encompasses the area outside of Area 1, out to the inner edge of the **Conical Surface**. This area closely reflects the **Horizontal Surface** of the Part 77 Surfaces.

AREA 3 (Outer Conical Area)

Area 3 includes the area between the outer edge of Area 2 and the three (3) mile **buffer** (for FWA) or the two (2) mile **buffer** (for SMD), not including the Outer Approach Area (Area 4). This area includes the **Conical Surface** of the Part 77 Surfaces.

AREA 4 (Outer Approach Area)

Area 4 encompasses the areas within each **airport** approach, out to the six (6) mile **buffer** (for FWA) or to the two (2) mile **buffer** (for SMD). It begins at the inner edge of the **conical surface** and extends to the respective **buffers**.

ALLEN COUNTY ZONING ORDINANCE

AREA 5 (Extended Conical Area)

Area 5 applies only to the FWA **AOD**. This area includes the area between the three (3) mile **buffer** and the six (6) mile **buffer**, outside of the Outer Approach Area (Area 4).

AREA 6 (Extended Approach Area)

Area 6 applies only to the FWA **AOD**. This area includes the outermost area of the **runway** approaches, out to the ten (10) mile **buffer**, beginning at the six (6) mile **buffer**, based upon the **FAR Part 77 Approach Surfaces**.

- **Airport Overlay Districts (AOD)**

A **zoning district** that establishes **use** and **development** standards in areas of special concern in the vicinity of Fort Wayne International **Airport** and Smith Field **Airport**, in addition to the standards applicable to the underlying **zoning districts** in those areas.

- **Airspace**

The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

- **Approach Slopes (FAR Part 77)**

The ratios of horizontal to vertical distance that indicate the degree of inclination of the **approach surface**. The various ratios include:

- (1) 20:1 – for all utility and visual **runways** extended from the **primary surface** a distance of five thousand (5,000) feet.
- (2) 34:1 – for all non-precision instrument **runways** extended from the **primary surface** for a distance of ten thousand (10,000) feet.
- (3) 50:1/40:1 – for all precision instrument **runways** extended from the **primary surface** for a distance of 10,000 feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.

- **Approach Surface**

A surface that is longitudinally centered on the extended **runway** centerline and extends outward and upward from the end of the **primary surface** at the same slope as the approach zone height limitation slope set forth in this ordinance. In plan view, the perimeters of the **approach surface** and approach zone coincide.

- **Buffer (Airport)**

An area within the **Airport Overlay Areas** where aircraft are commonly operating for purposes of landing and take-off. The **buffers** establish land **use** restrictions to enhance the protection of people and property on the ground while considering the influences of the surrounding community.

ALLEN COUNTY ZONING ORDINANCE

- **FAA FAR Part 77 Surfaces**

Areas established in relation to the **airport** and to each **runway** consistent with **FAR Part 77**; any **object** which extends above these surfaces is an **obstruction**.

- (1) Approach surface

A surface longitudinally centered on the extended **runway** centerline which extends outward and upward from the end of the **runway primary surface**. The approach slope of a **runway** is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the **approach surface** depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.

- (2) Conical surface

A surface which extends upward and outward from the periphery of the **horizontal surface** at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.

- (3) Horizontal surface

A plane located one hundred fifty (150) feet above the established **airport** elevation, encompassing an area from the **transitional surface** to the **conical surface**. The perimeter is constructed by generating arcs from the center of each end of the **primary surface** and connecting the **adjacent** arcs by lines tangent to those arcs.

- (4) Transitional surface

A surface which extends outward and upward at right angles to the **runway** centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and **approach surfaces**. The **transitional surfaces** extend to the point at which they intercept the **horizontal surface** at a height of one hundred fifty (150) feet above the established **airport** elevation.

- **Federal Aviation Administration (FAA)**

A federal agency charged to regulate air commerce in order to promote its safety and **development**; encourage and develop civil aviation, air traffic control, air navigation; and promote the **development** of national system of **airports**.

- **Federal Aviation Regulations (FAR)**

Regulations established and administered by the **FAA** that govern civil aviation and aviation-related activities.

- (1) **FAR Part 36 (FAA FAR Sec. 36.1)**; establishes noise standards for the civil aviation fleet.

- (2) **FAR Part 91 (FAA FAR Sec. 91.1)**; pertains to air traffic and general operating rules, including operating noise limits.

- (3) **FAR Part 150 (FAA FAR Sec. 150.1)**; pertains to **airport** noise compatibility planning.

- (4) **FAR Part 161 (FAA FAR Sec. 161.1)**; pertains to notice and approval of **airport** noise and access restrictions.

- (5) **FAR Part 77 (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace**; Part 77(a) establishes standards to determine **obstructions in navigable airspace**; (b) defines the requirements for notice to the **FAA** Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of **obstructions** to air navigation to determine their effect on the safe and efficient **use of airspace**; (d) provides for public hearing on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

ALLEN COUNTY ZONING ORDINANCE

- **Growth**

For purposes of regulating potential hazards to aviation, any **object of natural growth** that includes trees, shrubs, or foliage.

- **Hazard Lighting and Marking**

Installation of appropriate lighting fixtures, painted markings, or other devices to **objects** or **structures** that constitute hazards to air navigation.

- **Imaginary Surface (FAA FAR Part 77.25)**

Areas established in relation to the **airport** and to each **runway** consistent with FAR Part 77; any **object** that extends above these surfaces is an **obstruction**.

- (1) Approach surface

A surface longitudinally centered on the extended **runway** centerline that extends outward and upward from the end of the **runway primary surface**. The approach slope of a **runway** is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the **approach surface** depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.

- (2) Conical surface

A surface that extends upward and outward from the periphery of the **horizontal surface** at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.

- (3) Horizontal surface

A plane located one hundred fifty (150) feet above the established **airport** elevation, encompassing an area from the **transitional surface** to the **conical surface**. The perimeter is constructed by generating arcs from the center of each end of the **primary surface** and connecting the **adjacent** arcs by lines tangent to those arcs.

- (4) Transitional surface

A surface that extends outward and upward at right angles to the **runway** centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and **approach surfaces**. The **transitional surfaces** extend to the point at which they intercept the **horizontal surface** at a height of one hundred fifty (150) feet above the established **airport** elevation.

- **Instrument Landing Procedure**

A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight **conditions** from the beginning of the initial approach to a landing or to a point from which visual landing may be made.

- **Navigation Aids (NAVAID)**

Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

- **Navigable Airspace**

The **airspace** above minimum altitude for safe flight that includes the **airspace** needed to ensure safety in the landing or taking off of aircraft.

ALLEN COUNTY ZONING ORDINANCE

- **Noise Impact**

A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

- **Object**

For purposes of **airport** safety regulations, this includes **buildings**, equipment, **natural growth**, NAVAIDS, people, **structures**, terrain, vehicles, and parked aircraft.

- **Objects of Natural Growth**

A deciduous or evergreen bush, shrub, tree, or other woody plant. This definition shall not include farm crops that are cut at least once a year.

- **Obstruction**

For purposes of **airport** safety regulations, any **buildings**, **structure**, **object of natural growth**, or other **object**, including a mobile **object**, that exceeds a limiting height specific to its geographic location relative to the **airport** or **runway**.

- **Primary Surface**

A surface longitudinally centered on a **runway**. When the **runway** has a specially prepared hard surface, the **primary surface** extends two hundred (200) feet beyond each end of that **runway**; for military **runways** or when the **runway** has no specially prepared hard surface, or planned hard surface, the **primary surface** ends at each end of the **runway**. The width of the **primary surface** is set forth in **FAR Part 77**. The elevation of any point on the **primary surface** is the same as the elevation of the nearest point on the **runway** centerline.

- **Runway**

A portion of the **airport** having a surface specifically developed and maintained for the landing and taking off of aircraft.

- **Runway Protection Zone (RPZ)**

An area off the **runway** end designed to enhance the protection of people and property on the ground.

- **Utility Runway**

A **runway** constructed for and intended to be used by propeller driven aircraft of up to twelve thousand five hundred (12,500) pounds gross weight.

- **Wildlife Attractants**

For purposes of **airport** safety regulations, any land **use** practice, man-made or natural geographic feature, or man-made **structure** that may attract or sustain hazardous wildlife within the landing or departure **airspace** or the air operations area of an **airport**. Attractants shall include, but not be limited to agricultural or **aquaculture** activities, architectural features, **landscape elements**, ponds or similar water features, surface mining, waste disposal sites, wastewater treatment facilities, or **wetlands**.

ALLEN COUNTY ZONING ORDINANCE

Airstrip (Private)

An area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling other aircraft.

Alley

Right-of-way other than a **street**, road, crosswalk or **easement** designed for the special accommodation of the property it reaches, usually as an access to the rear or side of **lots**.

Amortization

The process of discontinuing nonconforming land **uses**.

Animal Hospital

A medical facility for the treatment of animals that is operated by, or in which the treatment is under the direct supervision of a veterinarian licensed to practice by the State of Indiana. A veterinarian **clinic** shall also be considered an **animal hospital**.

Animal Keeping (Small)

The keeping of small animals, excluding domestic pets (such as cats and dogs) and larger livestock animals (such as cows, chickens, goats, horses, and pigs), for either 4H or other **school**/educational purposes, on a single **family** residential property.

Animal Kennel

An establishment where dogs or cats are temporarily boarded for a **fee**. The term shall also include the keeping of more than five dogs, more than seven cats, or more than seven dogs and cats

Animal Service

Uses related to the provision of medical services, treatment, boarding, and other similar services to animals, including animal grooming, **animal hospitals**, **animal kennels**, animal obedience **schools**, and **veterinary clinics**

Antique Shop

An establishment that sells items such as furniture, household wares and decorations, and related articles, that have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Apiculture

The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

Apparel and Accessory Store

A retail store selling **clothing** and related items.

Apparel Fabrication and Processing

An establishment used for the production and processing of **clothing** and other apparel.

Appeal (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Approach Slopes (FAR Par 77) (see Airport Overlay District definitions)

Approach Surface (see Airport Overlay District definitions)

ALLEN COUNTY ZONING ORDINANCE

Aquaculture

The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled environments.

Aquaponics

A food production system that combines **aquaculture** with **hydroponics** in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients.

Arbor

A shade **structure** often covered with shrubs, vines, or branches.

Arcade

A place, **lot**, establishment or room set aside in an retail or commercial establishment in which coin operated amusement devices are located. For purposes of this definition, an amusement device is a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a **fee** is charged. The term does not include vending machines that do not incorporate gaming or amusement features, nor coin operated mechanical music devices, nor mechanical motion picture devices.

Area of Shallow Flooding (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Arena

An enclosed **building** with tiers of seats around a sports field, playing court or public exhibition area. Arenas are typically used for sports, entertainment and other public gathering purposes, such as athletic events, concerts, conferences, conventions, and circuses.

Art Gallery

A room or series of rooms where works of art are exhibited for display or sale.

Arterial Street (see “Street, Arterial”)

Arterial, Minor (see “Street, Arterial”)

Arterial, Principal (see “Street, Arterial”)

Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive **instruction** on a more than incidental basis or to sit for photographic portraits. The sales of art produced on the **lot** shall be permitted as an **accessory use**.

Asphalt Plant

A facility that specializes in the mixing of or other related activities required for the production of asphalt.

Assembly Facility

A facility used for the general assembly or sub-assemblies of materials including agricultural implements, aircraft, appliances, **automobiles**, bicycles, boats, **electronics**, **manufactured homes**, motorcycles, motors, **recreational vehicles**.

ALLEN COUNTY ZONING ORDINANCE

Assembly of Finished Products Facility

An enclosed **building** where goods and products are assembled from preassembled or manufactured parts, including computers, **electronics**, and other similar products.

Assisted Living Facility

A residential establishment or institution other than a **hospital** or **nursing home** that provides living accommodations and medical services. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Athletic Fields

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed fields, **arena/stadiums**, and appropriate support facilities.

Auction Hall

A place where objects of art, furniture, and other goods, not including **automobiles**, motorcycles, watercraft, and trucks are offered for sale to **persons** who bid on the object in competition with each other.

Automatic Teller Machine (ATM)

A mechanized device that provides banking and other **electronic** services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

Automobile

A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

Automobile Body Shop

A facility that provides painting and collision repair services, including body frame straightening or alignment, disassembly or replacement of damaged body parts, complete body painting services, welding services, complete wreck **rebuilding**, and frame repair services.

Automobile Detailing/Trim Shop

A facility that provides automotive-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as **automobile** alarms, headlight covers, spoilers, sunroofs, tinting, and similar items. However, engine degreasing or similar **automobile** cleaning services shall not be included under this definition.

Automobile Maintenance (Quick Service)

A facility that provides engine tune-ups and servicing of brakes, air conditioning, exhaust systems, oil change or lubrication; wheel alignment or balancing; or similar servicing, **rebuilding** or repairs that normally do not require **significant** disassembly of **automobiles**, or overnight **storage** of **automobiles**.

Automobile Rental

Rental of **automobiles** and light trucks (1 ton or less) only, including **storage**, detailing, and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

ALLEN COUNTY ZONING ORDINANCE

Automobile Repair

A facility that provides general **automobile** service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **automobiles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

Automobile Sales

A **lot, tract, or development site** where the **primary use** is the sale of two or more new or used **automobiles**. All **automobiles** offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a **primary structure**.

Automobile Service, General

Uses related to the **maintenance or repair** of **automobiles** which are more intensive than those **uses** permitted as Limited **Automobile Services**, and similar automotive-related **uses**, including **automobile body shops, automobile detailing or trim shops, automobile maintenance (quick service), automobile rental** (outdoor), **automobile repair, automobile restoration, automobile rustproofing/undercoating, automobile sales** (outdoor), **automobile washing facility, gas station, taxi service, tire sales**, and towing service.

Automobile Service, Limited

Uses related to the minor **maintenance or repair** of **automobiles**, and similar automotive-related **uses**, including **automobile accessory store; automobile rental** (indoor only), and **automobile sales** (indoor only)

Automobile Washing Facility (Full or Self Service)

A facility for the cleaning of **automobiles**, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

Awning

A cover that projects from a **wall** of a **building** over a **window** or entrance to provide weather protection and architectural spatial definition. The top surface of an **awning** is typically sloped. An **awning** may be fixed in place or retractable. An **awning** is completely supported by the **building**.

Bakery (Wholesale)

A facility that makes **bakery** and related items on-site and may sell these items directly at the facility provided that any sales are secondary and incidental to the primary operation of producing baked goods.

Bank

An establishment that provides retail banking, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**. (See also “**Credit Union**” and “**Savings and Loan Association**”)

Bar

An eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary. A **bar/tavern** may include the provision of live entertainment and/or dancing; however, a **bar/tavern** shall not include any “**sexually oriented business**” use.

Barber Shop

A **personal services** establishment where hair is cut and other similar services are provided.

ALLEN COUNTY ZONING ORDINANCE

Base Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Base Flood Elevation (BFE) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Basement (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Beauty Shop

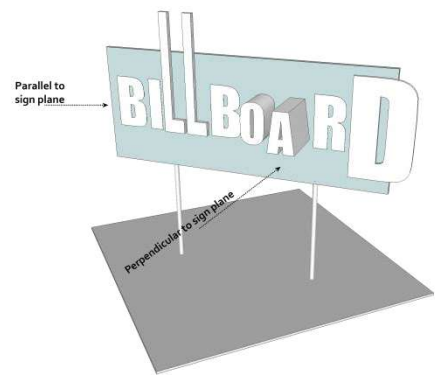
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the **lot**.

Billboard Embellishment

A portion of a **billboard** that extends vertically or horizontally from the surface area of the **billboard sign** face (generally a rectangle) when viewed perpendicular to the sign plane, or that extends outward from the surface of the sign when viewed parallel to the sign plane, to accommodate extensions of words or images on the primary **sign area**.



Block

Property abutting on one side of a **street** and lying between the two (2) nearest intersecting or intercepting **streets**, or nearest intersecting or intercepting **street** and railroad **right-of-way** or waterway or the end of a dead end **street**.

Board

The Allen County **Board of Zoning Appeals**. This term shall not include the **Board of Commissioners** or the Fort Wayne **Board of Public Works**. For purposes of granting a **special use**, use variance, or variance of **development** standards for a wireless service provider, the **Board** shall be the “permit authority” under I.C. 8-1-32.3, et seq.

Board of Commissioners

The **Board of Commissioners** of the County of Allen.

Board of Zoning Appeals (see “Board”)

Boarding House

A **residential building** containing rooms for accommodating, for compensation, three or more **persons**. Lodging may include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters, or individual bathrooms, but shall not include individual cooking facilities.

Bond

Any form of security, including cash, surety **bond**, or financial instrument of credit, as approved by the appropriate agency, for the purpose of guaranteeing that improvements will be made in a **subdivision** according to the standards as adopted by the **Plan Commission**.

ALLEN COUNTY ZONING ORDINANCE

Bottling Facility

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This **use** may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

Boundary River (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Boundary River Floodway (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Brewery

A facility that brews ales, beers, meads and/or similar beverages on-site.

Brewery (Micro)

An establishment where ale, beer, and/or similar beverages are brewed, typically in conjunction with a **bar**, **tavern** or **restaurant** use. Annual production will typically not exceed 15,000 barrels per year.

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

For the purposes of the landscape standards, an area between a building, structure, or use and an adjacent property or **street right-of-way**. The area shall be available for berms/mounding, fences, plants, and/or walls to provide adequate screening and buffering between buildings, structures, **parking areas**, driveways, and activity areas and adjacent uses, buildings, structures, and **streets**, to promote compatibility between different land uses; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual developments. A buffer yard may be located within a required front, side, or rear yard building setback.

Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport**, **deck**, **gazebo**, **open porch**, **tent**, and **recreational vehicle** shall not be considered **buildings**.

Building, Detached

A **building** having no structural connection with another **building**.

Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A mixed **use development** that contains both residential and **nonresidential uses** is a **nonresidential building**. Any institutional **use**, other than a **small group residential facility**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital**, university, **religious institution**, or **school**, is a **nonresidential use**.

ALLEN COUNTY ZONING ORDINANCE

Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-tenant **buildings** shall also be permitted. In calculating the square footage of a **primary building**, all enclosed areas, including attics, **basements**, and attached **garages**, shall be included.

Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family**, two **family**, or **multiple family dwelling** units) or a **small group residential facility**.

Building, Semi-Detached

A main **building** having one **wall** in common with an **adjacent main building**.

Building Bay

A division within a **building façade**, created by vertical elements such as columns, pilasters, or other architectural elements/changes in planes.

Building Department

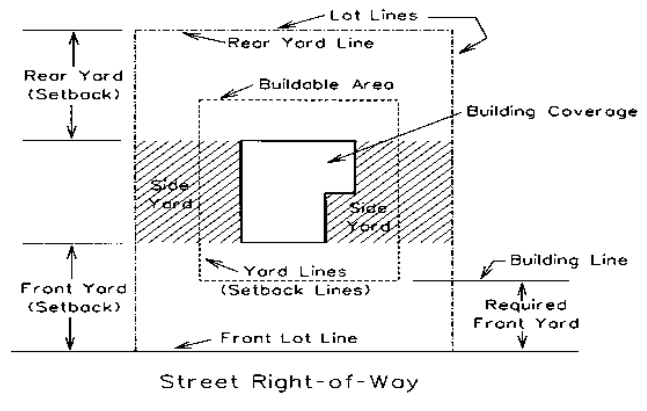
The Allen County **Building Department**.

Building Height

The vertical distance measured from the ground level immediately **adjacent** to the primary front entrance to the highest point of the roof or **structure**.

Building Line, Front

A line with a fixed location parallel to the front **street** line as determined by this ordinance or recorded deed restrictions, beyond which the foundation **wall** and/or any enclosed **porch**, vestibule, or other portion of a **building** shall not project. A **front building line** may be established by a **subdivision plat** or by **the zoning ordinance**.



Building Material Disposal Site

A **site** used for the purpose of disposing of **building** materials, including concrete, from a demolition **site** or **sites** without creating nuisances or hazards to public health, safety, or welfare.

Building Setbacks

Lines that are substantially parallel to the **lot lines** which define the minimum distances that **buildings** must be located from the **lot lines**. (See required **yards** in the **Zoning District Standards**.)

Building Surface

The total surface of a **building** face to which a sign is attached.

ALLEN COUNTY ZONING ORDINANCE

Business School

A post-secondary **school** for business **instruction** which is not publicly owned, or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; excluding **school** conducted as a commercial enterprise for teaching **barber/beauty** skills, dancing, industrial, music, or technical skills.

Business, Technology, and Industrial Park (BTI)

A **development** on a **tract** of land that contains a number of separate businesses, offices, technology and/or industrial **uses**, plus accessory and supporting **uses**, and common open space designed, planned, and constructed on an integrated and coordinated basis.

Campground

Any area or **tract** of land used or rented for occupancy by campers using tents and/or **recreational vehicles** for periods not to exceed two weeks.

Campus Housing

For purposes of parking requirements, this category includes **campus housing** (off-site), **dormitories** and **fraternity/sorority houses**, and other housing with the primary purpose of housing students of an educational or institutional campus.

Candelas

A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as **lumens**) per unit solid angle in a given direction.

Canopy

A fixed cover that projects from a **wall** of a **building** over a **window** or entrance to provide weather protection and architectural spatial definition. A **canopy** typically projects at a 90-degree (perpendicular) or similar angle. Freestanding **canopies** may also be permitted. A **canopy** may be completely supported by the **building**, or completely or partially supported by columns, poles, posts, or similar supports.

Carport

A **structure** or part of a **structure** used for the parking, **storage**, or keeping of vehicles by the **owner** or tenant of the **lot** as an **accessory use** to a permitted residential **use**, and that does not include a **wall** between the ground and the roof on at least one side that is not a vehicle entryway.

Cemetery (Private and Public)

Land used for burial of the dead and dedicated for related purposes, including crematories, offices and maintenance facilities, mausoleums and mortuaries when operated in conjunction with and within the boundaries of a **cemetery**.

Certificate of Compliance

A certificate issued by the **Zoning Administrator** stating that the occupancy and **use** of land or a **building** or **structure** referred to in the certificate complies with the provisions of this ordinance and any **conditions** of the **Improvement Location Permit** (if applicable).

ALLEN COUNTY ZONING ORDINANCE

Certificate of Occupancy

A certificate issued by the Allen County Building Department or successor agency, allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with the applicable codes and ordinances.

Certificate of Use

A certificate issued by the Zoning Administrator certifying that a proposed or existing use is a permitted use in the zoning district where the use is located.

Change of Use

Any use that is a substantial change from the previous use of a building, structure, or land.

Check Cashing

Any business that cashes checks, drafts, money orders, traveler's checks, or similar instruments, for a fee. This definition does not include: a bank, trust company, savings and loan association, credit union, loan office, or similar use; or a business that provides these services as an accessory use to a permitted primary use.

Child Care

A service that provides for the care, health, safety, supervision and/or guidance of a child's social, emotional, and educational growth, on a regular basis, in a place other than the child's own home. The following uses shall not be considered as child care under the terms of this ordinance:

- (1) A program for children operated by the department of education or a public or private school;
- (2) A nonresidential program that provides child care for less than four (4) hours a day;
- (3) A recreational program for children that operates for not more than ninety (90) days in a calendar year;
- (4) A program whose primary purpose is to provide social, recreational, or religious activity for school age children such as scouting, boys club, girls club, sports or the arts; and
- (5) Child care where the provider cares for fewer than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative.

Child Care Center

A building, other than the operator's primary place of residence, where children receive child care from a licensed child care provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

ALLEN COUNTY ZONING ORDINANCE

Child Care Home

A residential **structure**, which is the primary residence of the **child care** provider, in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

This term includes a **Class I Child Care Home** and a **Class II Child Care Home**, which are defined as follows:

- (1) **Class I Child Care Home.** A **child care home** that serves up to twelve (12) children at any time. The children may be at the home on either a part-time or a full-time basis. The provider may employ an assistant as required by State law.
- (2) **Class II Child Care Home.** A **child care home** that serves more than twelve (12) but not more than sixteen (16) children at any time. The children may be at the home on either a part-time or full-time basis. The provider may employ an assistant as required by State law.

Child Care Ministry

Child care operated by a **church** or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

Church (see “Religious Institution”)

Class I Child Care Home (see “Child Care Home”)

Class II Child Care Home (see “Child Care Home”)

Clinic

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the **clinic**. A use that meets the definition of “**Treatment Center**” shall not be considered to be a **Clinic**.

Clothing

Commercial **uses** related to the alterations, sales, and related sales or services for **clothing** and similar items, including **apparel and accessory store**, **clothing store**, consignment **shop**, costume and **clothing rental**, diaper service facility, **dry cleaning store**, furrier, **laundromat**, shoe store/shoe repair **shop**, and tailor/alterations service.

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws.

Clubhouse

A **building** that provides a meeting place for a **club** as a **primary use**.

ALLEN COUNTY ZONING ORDINANCE

Coffee Shop

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the use of patrons .

Collector Street (see “Street, Collector”)

Commercial Communication Tower

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding those used exclusively for private radio and television **reception** and private citizen’s bands, amateur radio and other similar private/residential communications.

Commission

The Allen County **Plan Commission**.

Commitment

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

Common Area

Real property and/or improvements on property, including, but not limited to, private storm drains, **streets**, sidewalks, utilities, parks, lakes and/or screening **walls**; open space; trails and/or **floodplain management** areas. **Common area** is typically shown on the face of a **subdivision plat** and is owned in **fee** by an **Owner's** Association for the common **use**, enjoyment, and benefit of the members of the Association.

Community (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Community Facility

Buildings, structures, or facilities owned, operated, or occupied by a non-profit entity to provide a service to the public, including broadcast **studio, museum**, planetarium, public transportation or similar public facility, **radio station, television station**, or **zoo**.

Community Garden

A common property for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one **person** or **family**. If permitted in the **zoning district** in which it is located, a **community garden** may include **accessory structures**, along with water and other facilities.

Community Rating System (CRS) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Comprehensive Plan

A plan for the physical **development** of the community, prepared and adopted by the **Board of Commissioners** and the Fort Wayne Common Council, pursuant to the 500 Series of State law, including any part of that plan separately adopted, any amendments to the plan separately adopted, and any other documents incorporated by reference.

Concrete Plant

A facility that specializes in the mixing or other **manufacturing** related activities required for the production of concrete.

ALLEN COUNTY ZONING ORDINANCE

Conditions

Any terms of approval placed upon an application by the decision-making body. For **conditions** imposed by the **Board**, a condition includes any greater additional **development** standard, regulation, safeguard or restriction that the **Board** finds reasonably necessary to meet the intent of this ordinance or the public health, safety, or general welfare. Whenever the **Board** imposes an additional **development** standard, regulation, safeguard or restriction on any approval that is greater than the minimum regulations of this ordinance, the greater or more restrictive condition safeguard or restriction shall govern.

Condominium

Real estate defined as a "**condominium**" under IC 32-25 (**Condominiums**).

Condominium Development

A project developed subject to and in accordance with IC 32-25 (**Condominiums**). This requires that undivided interests in the **common areas** and facilities be vested in the **condominium unit owners**.

Condominium Unit

An enclosed space occupying all or part of a floor or floors in a **structure**, together with the undivided interest in the common elements appertaining to that unit.

Confined Feeding

- (1) The **confined feeding** of animals for food, fur, or pleasure purposes in **lots**, pens, ponds, **sheds**, or **buildings** where:
 - (a) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
 - (b) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- (2) The term does not include the following:
 - (a) A livestock market:
 - (i) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - (ii) that is under state or federal supervision.
 - (b) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

Confined Feeding Operation (CFO)

- (1) Any **confined feeding** of
 - (a) at least three hundred (300) cattle,
 - (b) at least six hundred (600) swine or sheep;
 - (c) at least thirty thousand (30,000) fowl; or
 - (d) at least five hundred (500) horses: or
- (2) Any animal feeding operation electing to be subject to IC 13-18-10; or
- (3) Any animal feeding operation that is causing a **violation** of
 - (a) water pollution control laws;
 - (b) any rules of the water pollution control board; or
 - (c) IC 13-18-10.

ALLEN COUNTY ZONING ORDINANCE

Construction Access Road

A temporary non-dedicated, unplatted **right-of-way**, other than a **street**, **alley** or **easement**, designed to provide sole ingress and egress for all **development** and construction equipment, as well as all laborers and material handlers, in connection with the improvement of a platted **subdivision** of land or a Development Plan, including but not limited to the construction of **dwellings**, **buildings** and other improvements, which **right-of way** is constructed and maintained by the **developer** and **owner** at either's sole expense or their cumulative expense and continuously in the absolute ownership and/or exclusive control of the **developer** and **owner**.

Contingent Use

A **use** that could be permitted in any **zoning district** as set forth in A.C.C. 3-5-3-3, subject to specific standards and **Board of Zoning Appeals** approval.

Convenience Store

A small retail establishment designed and stocked to sell primarily food, beverages, and other household supplies to customers.

Convent

A **structure** used for the purpose of housing **persons** on a permanent basis who are not members of a **family** and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms **convent** and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the **convent use** but only for the residents of the **convent**. A **convent** is a permitted **accessory use** where incidental to a religious assembly **use** (**church**, **synagogue**, **temple**, and **mosque**).

Convention Facility

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and **training** facilities. Office, retail, accommodations, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.

Conveyance (including the word “convey”)

The transfer of title to land from one **person** to another by deed.

Corner Lot (see “Lot, Corner”)

Corner Visibility Area

On a **corner lot**, the area bounded by the edges of intersecting access drives and **streets**, or intersecting **street rights-of-way** lines, and a line intersecting those edge lines at points 40 feet distant from the intersection of the access drive and **street**, **street rights-of-way** lines, or extended **street rights-of-way** lines. No **building**, **fence**, **hedge** or other planting, **retaining wall**, sign, or **structure** that would impede vision between a height of three (3) and eight (8) feet shall be located within a **corner visibility area**.

Corporate Campus

A **building** or **buildings** in close proximity to each other, either **adjacent** or connected with centralized amenities, parking, support, and other internal functions. The **buildings** are intended to have quality architectural and site design features.

ALLEN COUNTY ZONING ORDINANCE

Correctional Institution

A place of confinement for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a **correctional services facility** or a residential facility for a court-ordered re-entry program

Correctional Services Facility

A facility providing services other than confinement for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

Country Club

An establishment typically associated with a **golf course** that is intended as a place of social and recreational gatherings for members of a **private club**.

County

Allen **County**, Indiana.

Credit Union

An establishment that provides retail banking, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**.

Crematory

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

Critical Facility (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Customer Service Facility

A facility, other than a retail store, operated by a public or **private utility**, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.

Dance Hall

An enclosed **structure** used for dancing or similar social gatherings. Any **use** that falls under the definition of “**sexually oriented business**” shall not be included under this definition.

Dance Studio

Any **school** of dancing or any place in which dancing of any type of style shall be taught.

Dating Service

Any business that offers to provide or does provide an introduction between two **persons** for a period of companionship for which service a **fee** is charged, levied, or otherwise imposed.

Day Care (see Day Care, Child)

Day Care, Adult (see Day Care, Child)

ALLEN COUNTY ZONING ORDINANCE

Day Care, Child

A service that provides for the care, health, safety, and supervision of an individual, not related to the provider, on a regular basis, in a residential **structure** other than the individual's own home, as an **accessory use** to a single **family** residence. The provision of **day care** shall be a permitted **use** in all **residential zoning districts** if the following **conditions** are met:

- (1) The home shall be the primary residence of the **day care** provider; and
- (2) Services shall be provided for fewer than six (6) adults or children not related to the provider; and
- (3) Care is provided for less than 24 hours per day.

Deck

An unroofed platform, either freestanding or attached to a **building**, which is supported by pillars or posts.

Department of Health

The Fort Wayne-Allen County Department of Health.

Department of Planning Services (DPS)

The department established jointly by, and providing planning and permitting services to, Allen County and the City of Fort Wayne, and any successor agency. For purposes of reviewing the completeness of zoning applications, and granting an **Improvement Location Permit, Certificate of Compliance, or Certificate of Use** for a wireless service provider, **DPS** shall be the "permit authority" under I.C. 8-1-32.3, et seq.

Department Store

An establishment primarily engaged in general merchandise retail **use** with no one merchandise line predominating. Merchandise lines are normally arranged in separate departments, with or without central customer checkout facilities.

Developer

Any **person** who **subdivides** land or erects or alters **buildings** or improvements on land.

Development

Any change or improvement to land brought about by human activity.

Development Site

Land used or proposed to be used for **development**, consisting of either a single **lot** or multiple contiguous **lots**. The **Zoning Administrator** may also determine other property configurations to be a **development site**.

ALLEN COUNTY ZONING ORDINANCE

Developmental Disability

A severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);
- (2) Is manifested before the individual is 22 years of age;
- (3) Is likely to continue indefinitely;
- (4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
- (5) Results in substantial limitation in at least three of the following:
 - (a) self-care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self-direction;
 - (f) capacity for independent living; and
 - (g) economic self-sufficiency.

Developmentally Disabled Individual

An individual who has a **developmental disability**.

Distillery

A facility where distilling, typically of alcoholic liquors, is done.

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand-alone facility or in conjunction with a **brewery** or winery.

Distribution Facility

The intake of goods and merchandise, individually or in bulk, the short-term holding or **storage** of those goods or merchandise, and/or the breaking up into **lots** or **parcels** and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the **distribution facility** or to businesses and individuals unrelated to the distributor. The term "**Distribution Facility**" shall also include a transshipment facility for the temporary holding, **storage** and shipment of goods or vehicles.

District

A part, zone, or geographic area within the **planning jurisdiction** of Allen County, within which certain zoning and/or **development** regulations apply. Also referred to as a "**zoning district**".

Doctor Office

The private offices of physicians, dentists, or similar professionals, where **persons** are examined or treated on an outpatient basis only. **Laboratory** tests shall be permitted as an **accessory use**.

ALLEN COUNTY ZONING ORDINANCE

Domestic Farm Animal

Calves, cattle, emus, goats, horses, llamas, ostriches, poultry (including chickens and quail), sheep, and similar animals (pigeons shall not be considered to be **domestic farm animals**).

Dormitory

A **building** used as group living quarters for a student body or religious order as an **accessory use** for a college, university, boarding **school**, **convent**, monastery or other similar institutional **use**.

Double Frontage Lot

A **lot** having **frontage** on two separate parallel or approximately parallel dedicated **streets**. (Also known as a “**through lot**”.)

Drive-Through Facility

Building or **structure** used to provide or dispense products or services, through an attendant, a **window** or an automated machine, to **persons** remaining in vehicles in a designated stacking aisle. A **drive-through facility** may be in combination with other **uses**, such as **banks**, **credit unions**, loan associations, **automated teller machines** (ATM’s), dry cleaners, drug stores, pharmacies, **restaurants** or similar **uses**. A **drive-through facility** does not include a car wash, **automobile maintenance** facility (**quick service**), or **gas station**.

Driveway

An unobstructed paved or unpaved strip providing access to a vehicle **parking space**, loading space, or maneuvering facility.

Dry Cleaning Store

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

Dwelling

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

Dwelling, 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**.

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.

ALLEN COUNTY ZONING ORDINANCE

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 950 square feet of **gross floor area**, not including attached **garage** space.

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.

Easement, Roadway

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

Easement, Utility and Service

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

Educational Institution

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

ALLEN COUNTY ZONING ORDINANCE

Electronics

Commercial **uses** related to the sales, repair, and related services for consumer **electronic** equipment, including computer sales and service; computer software store; consumer **electronics** sales and service; and telephone sales and service.

Elevated Structure (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Elevation Certificate (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Emergency Program (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Emergency Response Facility

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

Emergency Shelter (see “Homeless Shelter”)

Employment Agency

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

Engine Repair

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

Engineer (see “Professional Engineer”)

Entertainment Facility

A facility that offers indoor or outdoor entertainment **uses**, including performing arts **theaters**, cinemas, concert venues, or circus/festivals, but does not include any “**sexually oriented business**” use.

Equipment Rental, General

The rental of supplies and large equipment primarily for intended for use by construction, general, landscaping, or industrial contractors, including, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

Equipment Rental, Limited

The rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects, but not including car or truck rentals. All maintenance of equipment shall be conducted within an enclosed **building**. This **use** type does not include the rental, **storage**, or maintenance of large construction or other commercial heavy equipment.

Equipment Supply Facility

A facility that supplies equipment such as but not limited to air purification, electrical, electric wire & cable, fire protection, food service, HVAC, industrial, maintenance, mechanical, medical, power transmission, radio/communication, **restaurant**, telecommunication, trade show/exhibit, truck, water softening/purification, and welding equipment.

Executive Committee

The **Executive Committee** of the Allen County Plan Commission.

ALLEN COUNTY ZONING ORDINANCE

Exempt Division of Land

A division of a **parcel** of land into two (2) or more **tracts** that qualifies as an **Exempt Division of Land** pursuant to A.C.C. 3-3-3-3 (b).

Exhibit Hall

An area or space either outside or within a **building** for the display of topic-specific goods or information.

Existing Manufactured Home Park or Subdivision (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Expansion to an Existing Manufactured Home Park or Subdivision (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Expressway - Freeway

Any **expressway - freeway** that operates at a high service level, consists of limited land access, carries region-wide traffic, and is generally classified as part of the interstate system.

Exterminator

An establishment that specializes in the eradication of household pests, weeds, or common household and/or **yard** nuisances and associated operations.

FAA FAR Part 77 Surfaces (see Airport Overlay District definitions)

Façade

A particular face of a **building**. A rectangular **building** will have four **façades**.

Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and **outdoor display/staging** areas.

Family

One or more **persons** occupying a single **dwelling** unit and living as a single housekeeping unit (as distinguished from a group occupying a **boarding house, club, hotel, nursing home, rooming house, fraternity or sorority house, off-site campus housing, residential facility** serving individuals under a court-ordered re-entry program, **residential facility for homeless individuals**, or similar living situation), where all the **persons** are related by blood, marriage or adoption. If all of the **persons** occupying a single **dwelling** unit are not related by blood, marriage, or adoption, then no more than eight (8) **persons** may occupy a single **dwelling** unit. If all of the members of a household are not related by blood, marriage, or adoption, then a **use** with more than eight (8) **persons** occupying a single **dwelling** unit shall not be considered a **single family use**.

Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Federal Aviation Administration (FAA) (see Airport Overlay District definitions)

Federal Aviation Regulation (FAR) (see Airport Overlay District definitions)

ALLEN COUNTY ZONING ORDINANCE

Fee

The charge for an application or other service as established by the Allen **County Plan Commission** or other entities of Allen **County** duly authorized to establish **fees**.

Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

FEMA (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Fence

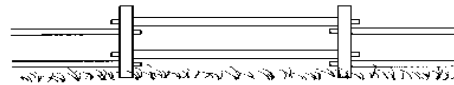
A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking **lot** wheel stops; and similar barriers/partitions that are less than 12 inches high. The posts, concrete for the posts and attachment of the **fence** to the posts shall be contained within the **lot** where the **fence** is located. This definition shall include a **freestanding wall**.

Fence, Agricultural

A **fence** erected for and used in conjunction with land which is zoned or otherwise designated as agricultural land, or used for growing crops or raising livestock. An **agricultural fence** may use a single strand of barbed wire or a single strand of electrically charged material

Fence, Open

A **fence** that is less than 50% opaque when viewed perpendicularly to its vertical surface.



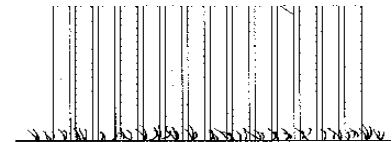
Open Fence

Fence, Ornamental

An **open fence** intended to partition or enclose a property or a portion of a property. **Ornamental fences** shall include, but not be limited to split rail, picket, wrought iron, and similar style **open fences**. Chain link fencing is not an ornamental fencing material.

Fence, Solid

A **fence** erected or constructed to prevent views across the **fence** line. For the purposes of the landscape standards, wood or vinyl panels shall be acceptable solid fencing materials. Chain link fencing with privacy slats shall not be an acceptable solid fencing material.



Solid Fence

Fence or Wall Height

The height of a **fence** or **wall** shall be measured as the vertical distance between finished grade on the highest side of the **fence** or **wall** to the top of the **fence** or **wall**.

Fill

Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

ALLEN COUNTY ZONING ORDINANCE

Financial Planning Service

An establishment that provides services to help determine a **person's** or firm's financial needs or goals for the future and the means to achieve them by deciding what investments or activities would be most appropriate under both personal and broader economic circumstances.

Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Flood Boundary and Floodway Map (FBFM) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Flood Insurance Rate Map (FIRM) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Flood Insurance Study (FIS) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Flood Prone Area (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Flood Protection Grade (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodplain (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodplain Management (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodplain Management Regulations (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodproofing (Dry Floodproofing) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodproofing Certificate (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Floodway (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Food and Beverage Service

Commercial **uses** related to the sales, preparation, and related services for food and/or beverage items for consumption on or off the **lot**, including: **bakery** goods; **bar** or **tavern**; caterer; **club** (private); **coffee shop**; confectionery, ice cream, or candy store; **convenience store**; delicatessen; **farmers market** (including outdoor sales); fruit and/or vegetable store (indoor); **grocery store** or **supermarket**; meat or fish market; micro or mini-**brewery**/brewpub; package liquor store; **reception**/banquet hall (indoor); **restaurant**, including **drive-through facilities**; sandwich **shop**; and tea room.

Fraternal Organization

A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings and formal written membership requirements.

Fraternity House

A **building**, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other **educational institution**.

Freeboard (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Freight Service

Loading, unloading, packing or unpacking of freight, including handling services provided for freight in special containers or for non-containerized freight, services provided by a container freight terminal, or other freight terminal, for all modes of transport services incidental to freight.

ALLEN COUNTY ZONING ORDINANCE

Fringe (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Frontage

The length of the property line of any **parcel** along each **street** that it borders.

Full-Cutoff

For purposes of lighting standards, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

Funeral Home

A **building** used for the preparation of the deceased for burial, the display of the deceased and rituals connected therewith before burial or cremation. **Accessory uses** may include:

- (1) Embalming, cremation and the performance of other services used in preparation of the dead for burial;
- (2) The performance of autopsies and other similar surgical procedures;
- (3) The **storage** of caskets, funeral urns, and other related funeral supplies;
- (4) The **storage** of funeral vehicles; and
- (5) A funeral chapel.

Furniture Production

A facility that specializes in the assembly, fabrication or production of finished or unfinished furniture, store displays, cabinets, and related items.

Furniture Store

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

Garage (see “Garage, Residential”)

Garage, Residential

A **detached accessory structure** or portion of a **primary building** used for personal **storage**, the **storage** of **motor vehicles** and other similar accessory residential **uses**.

Garage Sale (see “Yard Sale”)

Garbage

Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

Garden Equipment Supply

An establishment that specializes in the retail of nursery plants or related items, which may include: plants that have been grown on the property or imported, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Gas Pump Embellishment

Letters, figures, characters or representatives in irregular forms used as a supplement to permitted gas pump signage.

ALLEN COUNTY ZONING ORDINANCE

Gas Station

A facility where gas and other supplies for motorists are sold. Minor repair services such as lubrication, oil and tire changes may be provided, but major repairs such as vehicle bodywork or painting or repair of engines or drive trains may not be provided. A **gas station** may include a **convenience store**.

Gateway

A point along a roadway at which a motorist or pedestrian gains a sense of having entered the city or a particular part of the city. This impression can be imparted through such things as **signs, monuments**, landscaping, a change in **development** character, or a natural feature.

Gazebo

A freestanding, roofed, usually open-sided **structure** providing seating or an area for gathering.

Glare

A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding **glare**, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Golf Course

A **tract** of land typically laid out for playing the game of golf that may include a **clubhouse**, dining and snack **bars**, pro **shop**, and practice facilities.

Golf Course (Miniature)

A **recreational facility**, typically comprised of small putting greens, each with a "cup" or "hole," where patrons in groups pay a **fee** to move in consecutive order from the first hole to the last.

Golf Driving Range

A **tract** of land devoted as a practice range for practicing golf shots.

Government Facility

An institution operated by a federal, state, **county**, town, township, or city government, or by a special purpose **district**.

Greenhouse

An establishment, including a **building**, part of a **building** or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail and wholesale sales.

Grocery Store

A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This **use** may also include sales of personal convenience and small household goods.

ALLEN COUNTY ZONING ORDINANCE

Gross Floor Area

The total floor area of all stories of a **building** or **buildings**, measured by taking the outside dimensions of the **building** at each floor level intended for occupancy or **storage** (including **basements**), but not including any uncovered or unenclosed **porches**, **patios**, or **decks**.

Ground Floor Area

The **gross floor area** of a **building** exclusive of **basements** and floors above the ground floor.

Group Residential Facility (Large)

A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled** or **mentally ill**, or other similar **residential facility** if the facility houses more than eight (8) individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **large group residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **group residential facility for mentally ill individuals**.

Group Residential Facility (Small)

A facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are **developmentally disabled** or **mentally ill** or any other **residential facility** that houses up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **residential facility for mentally ill individuals**.

Growth (see Airport Overlay District definitions)

Hardship (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

Solid waste or a combination of **solid wastes** that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or increase in serious **irreversible** or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

This includes but is not limited to toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludge, pesticides, pesticide containers, raw animal manure, **on-site sewage system** tank pumping, and raw or digested sewage sludge.

Hazardous Waste Disposal Area

The outermost perimeter of the area within a **hazardous waste** disposal facility that is permitted to receive **hazardous waste** for disposal.

ALLEN COUNTY ZONING ORDINANCE

Hazardous Waste Treatment, Storage and/or Disposal Facility

A **solid waste** disposal facility designed to treat, store and/or dispose of **hazardous waste** regulated by 329 IAC 3.1 or any subsequent applicable revisions. The facility shall be constructed and operated in accordance with a permit issued by the appropriate government agency authorized by or under the Resource Conservation and Recovery Act (40 CFR 260 - 40 CFR 270, 42 U.S.C. 6901, et seq., and IC 13-7-8.5, as may be amended).

Health Care Facility

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Health Club

A non-medical service establishment intended to maintain or improve the physical condition of **persons** which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Hedge

A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

Heliport

An area either at ground level or elevated on a **structure**, licensed by the federal government or appropriate state agency and approved for the loading, landing, and takeoff of helicopters. This shall include accessory facilities and **uses** such as public **parking areas**, waiting rooms, fueling, and maintenance equipment or facilities.

Heliport (Private)

An area of land used for the landing and take-off of personal private helicopters, excluding discharging or receiving cargo, picking up passengers or fueling other aircraft or helicopters.

Highest Adjacent Grade (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Historic Site

Any site which has obtained official historic status through local, State, or National Register designation.

Historic Structure (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Holiday Decorations

Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

ALLEN COUNTY ZONING ORDINANCE

Home Business

An **accessory use** of a **dwelling** unit, or a **use** of a **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. A **home business** would typically be more intensive than a **home occupation**, due to factors such as outside employees working at the **dwelling** unit, clients or customers coming to the **dwelling** unit, or on-site retail sales. To allow for possible mixing of **uses** in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted. A **home business** shall be permitted in conjunction with a single **family** or **two family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. If conducted within the **dwelling** unit (**primary structure**), the gross square floor area used for the **home business** shall be less than 50% of the area of the **primary structure**. If conducted out of an **accessory structure**, the area used for the **home business** shall not exceed the square footage of the **primary structure**. Permitted **home businesses** shall include, but not be limited to, **professional offices**, **personal service uses** such as **barber shops** and beauty/nail salons, and teaching/tutoring/music lessons.

Home Enterprise

A **use** of a single **family** property, where business activities are conducted. **Home enterprises** are intended to permit higher intensity **uses**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home enterprises** may include assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding **automobile** repair). A **home enterprise** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives. The **gross floor area** of the **home enterprise** shall not exceed eight thousand (8,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home enterprise**, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Home Improvement Store

A **retail facility** engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, lumber, paint and glass; house wares; household appliances; lawn supplies; garden supplies; and landscape materials. A home improvement center may also include separate enclosed areas devoted to the rental of light equipment used in conjunction with home improvement projects.

Home Occupation

An **accessory use** of a **dwelling** unit, or a **use** of an attached **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. Clients or customers shall not come to the home, and on-site retail sales shall not be permitted. No outside employees may be permitted. A **home occupation** shall be permitted in conjunction with a single **family**, **two family**, or **multiple family dwelling** unit where the business **owner** lives, and shall be operated entirely within a primary or attached **accessory structure**.

ALLEN COUNTY ZONING ORDINANCE

Home Workshop

A **use** of a single **family** property, where business activities are conducted. **Home workshops** are intended to permit **uses** which are more intensive than a **home business**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home workshops** may include limited assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding **automobile** repair). A **home workshop** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. The **gross floor area** of the workshop shall not exceed two thousand (2,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home workshop**, clients or customers shall be permitted to come to the property, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

Homeless/Emergency Shelter (see “Homeless Shelter”)

Homeless Shelter

A facility providing temporary housing to needy, homeless, or transient **persons** that may be an **accessory use** to a **religious institution** or other place of worship, and may also provide ancillary services such as counseling or vocational **training**.

Hospice Care Center

A facility providing in-patient care for individuals suffering from a terminal illness; overnight patient stays shall be permitted as part of this use.

Hospital

An institution providing primary health services and medical or surgical care to **persons**, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, **training** facilities, medical offices, and staff residences. Overnight patient stays shall be permitted as part of this use.

Hotel

A **building** providing, for compensation, sleeping accommodations and customary lodging services where guests enter through a main lobby of the **building** to get to each rental unit. Related ancillary **uses** may include but shall not be limited to conference and meeting rooms, **restaurants**, **bars**, and **recreational facilities**. An extended stay **hotel** is included in this definition.

Hydroponics

The cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil, or similar soilless growth of plants.

Imaginary Surface (FAA FAR Part 77.25) (see Airport Overlay District definitions)

Improvement Location Permit (ILP)

A permit issued by the **Zoning Administrator** stating that the proposed erection, construction, enlargement or moving of the **building** or **structure** referred to in the permit application complies with the provisions of this ordinance.

ALLEN COUNTY ZONING ORDINANCE

Infrastructure

For the purposes of this ordinance, the community public works and facilities determined to be necessary in relation to proposed **development**, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and **street** lighting, storm drainage facilities, **street** facilities, traffic control facilities, and water facilities.

Instruction/Training/Education

An establishment, other than an elementary or junior high **school**, senior high **school**, or college/university, offering **instruction** or **training** in a trade, art, skill, or occupation, including art **instruction**, **barber/beauty school**, business **training**, computer **training**, craft **instruction**, dance **instruction**, driving **instruction**, **educational institution**, gymnastics **instruction**, martial arts **training**, medical **training**, music **instruction**, photography **training**, and yoga/Pilates **instruction**

Instrument Landing Procedure (see Airport Overlay District definitions)

Interior Lot (see “Lot, Interior”)

Junk Material

Materials, including but not limited to the following:

- (1) **automobile** or machinery equipment or parts, including used **automobile** tires;
- (2) **building/infrastructure** construction materials;
- (3) cloth and **clothing**;
- (4) construction materials;
- (5) **electronics** or furniture;
- (6) **garbage, refuse, trash**, or debris;
- (7) manufactured clay and porcelain products;
- (8) manufactured plastic products;
- (9) manufactured rubber products;
- (10) **motor vehicles**, or **motor vehicle** equipment or parts;
- (11) paper and paper products;
- (12) recyclable products of all kinds;
- (13) scrap metal;
- (14) wood and wood products; and
- (15) wrecked and/or dismantled **automobiles** and machinery.

Junk Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for storing or selling **junk material**.

Laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**. This definition includes **electronic** and telecommunications laboratories, including assembly.

ALLEN COUNTY ZONING ORDINANCE

Land Surveyor

A surveyor who is licensed in compliance with the laws of the State of Indiana.

Landing Field, Private

A **landing field** used solely for the convenience of the **owner** or lessee of the property, utilizing a sod landing strip, having hangar facilities for not more than two (2) aircraft, with no commercial sales or service establishments located on the property, as an **accessory use** to a permitted **single family use**. A private **landing field** shall not be considered an **airstrip**.

Landscape Buffer

A landscaped area intended to separate and partially obstruct the view of two **adjacent** land **uses** or properties from one another.

Landscape Elements

Annual plants, benches, chairs, perennial plants, planters, shrubs, statuarities, trees, **yard** ornaments, and similar elements.

Landscape Planting Area

An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

Landscape Screening

The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include **fences**, **walls**, **hedges**, mounding, or other features.

Large Satellite Dish (see “Satellite Dish, Large”)

Laundromat

An establishment providing washing, drying, or dry-cleaning machines on the **lot** for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

Letter of Final Determination (LFD) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Letter of Map Amendment (LOMA) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Letter of Map Change (LOMC) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Letter of Map Revision (LOMR) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Letter of Map Revision Based on Fill (LOMR-F) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Library

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A **library** may also include meeting rooms, offices for **library** personnel, and similar support facilities.

ALLEN COUNTY ZONING ORDINANCE

Limited Assembly and Fabrication

Facilities used for the limited fabrication and assembly of products including bio-medical, orthopedic, communication and computation equipment, industrial controls, optical instruments, scientific and precision instruments, service industry machines and specialty equipment.

Limited Equipment Rental (see “Equipment Rental, Limited”)

Livestock Operation (High Intensity)

A Concentrated Animal Feeding Operation (CAFO), **Confined Feeding Operation (CFO)**, or other **livestock operation** which requires a permit from the IDEM.

Live-Work Unit

A **dwelling** unit containing a living and working space that is intended to function as business workspace with a residential **use** occupied by the business **owner** or operator. The unit typically has a workspace on the main floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or to the back of the unit if there is only one floor.

Loan Office

A facility primarily engaged in making loans to individuals that does not meet the definition of a **bank** and where the primary activity is not a **check cashing**, pay-day loan, or cash advance business.

Lot

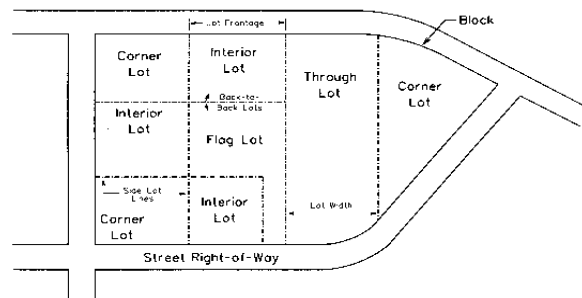
A piece of land of specific shape and dimension; it may be a single platted **lot** or a single **parcel**. The word “**lot**” shall include the words “**lot, platted**” and “**parcel.**”

Lot, Corner

A **lot** at the junction of and abutting two or more intersecting **streets**.

Lot, Flag

A **lot** that does not meet the minimum **frontage** requirements and where access to the public road is by a narrow, private **right-of-way** or **driveway**.



Lot, Front (Nonresidential)

That part of an interior or **through lot** that abuts a **street**. On a **corner lot**, the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location, **setbacks**, and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**;
- (3) Previously approved site and/or **Development Plans**, and
- (4) Conforming **building setbacks**.

ALLEN COUNTY ZONING ORDINANCE

Lot, Front (Residential)

That part of an interior or **through lot** that abuts a **street**. On a **corner lot**, the front shall be that part of the **lot** having the least amount of footage abutting the **street**, with the exception that if the **lot** is laid out so that the longer dimension is less than 1.6 times the narrower dimension, then the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Platted **building** lines and restrictive covenants.

Lot, Interior

Any **lot** other than a corner or **through lot**.

Lot, Platted

An individual piece of land as shown on a **subdivision plat** recorded in the Allen **County Recorder's** office and in compliance with the **subdivision** regulations in effect at the time of recording.

Lot, Through

An **interior lot** that has legal direct access onto two (2) or more parallel **streets** or roads, including **private streets**.

Lot Area, Net

The total horizontal area included within the area defined by the rear, side, and **front lot** or proposed front **street** line. No **alley**, public way, public land, or area proposed for a future **street** purpose is included in the net area of a **lot**.

Lot Coverage

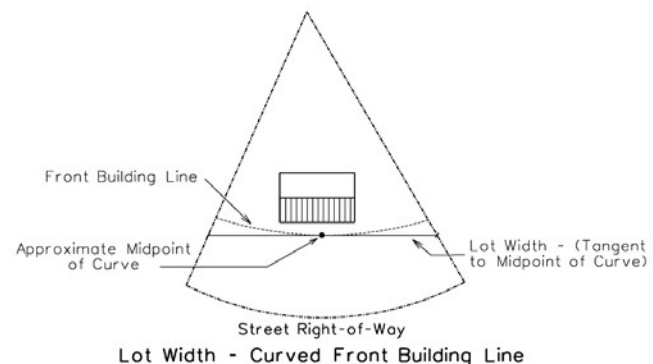
That portion of a **lot** that is covered by **buildings**.

Lot Depth

The average horizontal distance between the **front** and **rear lot lines**.

Lot Width

The dimension of a **lot**, measured between **side lot lines** on the **building line**. For **lots** with curved **front building lines**, the **lot width** shall be the dimension of the **lot** as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the **building line**. The **lot width** for other **lots** with irregularly shaped **front building lines** shall be as determined by the **Zoning Administrator**.



Lot Width, Minimum

The least permissible width of a **lot** measured horizontally along either the **front building line** or the front **lot** line, as set forth in the applicable **development** standards table.

ALLEN COUNTY ZONING ORDINANCE

Lot Line

Lines bounding a **lot**, as further described in the definitions in this ordinance.

Lot Line, Front

The line running along the front of the **lot**, typically located along the **street right-of-way**. The **front lot line** is also referred to as the front **street** line. In a **through lot** both **lot lines** abutting the **streets** shall be deemed **front lot lines**. For flag **lots**, the front **lot** line shall be the **lot** line which is roughly parallel with the **street**. For other situations, the Zoning Administrator shall determine the front **lot** line.

Lot Line, Rear

The **lot line** generally opposite or parallel to the front **street** line, except in a **through lot**. If a **rear lot line** is less than ten (10) feet long or the **lot** comes to a point at the rear, that **rear lot line** is assumed to be a line at least ten (10) feet long, lying wholly within the **lot**, parallel to the front **street** line or, parallel to the chord of the arc of the front **street** line.

Lot Line, Side

Any **lot line** other than a front **street** line or a **rear lot line**. A **side lot line** separating the **lot** from a **street** is a side **street** line.

Lowest Adjacent Grade (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Lowest Floor (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Lumens

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is 1 **candela**.

Machine Tool Shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

Manufactured Home (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Manufactured Home Park

A **parcel** of land designed for **use** by more than one (1) **Type II** or **Type III manufactured homes** that provides the **infrastructure** and utilities necessary for single **family** occupancy of those homes.

Manufactured Home Park or Subdivision, Existing (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

ALLEN COUNTY ZONING ORDINANCE

Manufactured Home, Type I

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, that is designed for **use** as a **dwelling**, either by itself or in conjunction with other similar units. Typically, a **modular home** would fall under this definition. To be considered a **Type I manufactured home**, the **structure** must:

- (1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;
- (2) Consist of two or more sections;
- (3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;
- (4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and
- (6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

Manufactured Home, Type II

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, bearing a seal certifying that it is built in compliance with the Federal **Manufactured Home** Construction and Safety Standards Act (42 USC Section 5401, et. Seq.) or IC 22-15-4-1, as may be amended, (as opposed to a **Type I manufactured home** that is built in conformance with the Indiana One and **Two Family Dwelling** Code). To be considered a **Type II manufactured home**, the **structure** must:

- (1) Contain at least nine hundred fifty (950) square feet of **occupied space** per **dwelling** unit;
- (2) Be a double or multiple section unit;
- (3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;
- (4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;
- (5) Have the wheels, axles, and hitch mechanisms removed;
- (6) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and
- (8) Have been constructed after January 1, 1981.

Manufactured Home, Type III

A **structure**, fabricated in an off-site **manufacturing** facility, which is transportable in one or more sections and is designed for **use** as a **single family dwelling**. A **mobile home** would meet this definition. To be considered a **Type III manufactured home**, the **structure** must:

- (1) Be properly connected to all utilities necessary for the occupancy of the unit; and
- (2) Be set on piers and properly skirted, with wheels and axles removed, in a **manufactured home park** or other approved **lot**.

ALLEN COUNTY ZONING ORDINANCE

Manufacturing

Establishments involved in the **manufacturing**, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the **manufacturing** site. This **use** includes but is not limited to the processing of adhesive/glue, agricultural implements, aircraft, animal feed, appliances, **automobiles**, bicycles, boats, carbon steel pipe & tubing, concrete, concrete products, **electronics**, insulation, **manufactured homes**, modular **buildings**, motorcycles, motors, paper/paper products, **recreational vehicles**, spas, stainless steel, steel, tile, tires, and valves.

Market Value (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Massage Therapy Establishment

Any establishment having a source of income or compensation derived from the practice of massage that complies with and is licensed by the appropriate authorities.

Master Sign Plan

A plan submitted to the **Plan Commission** as part of a request for an overall **sign** program of a consistent architectural design for either a larger scale **development** (such as a large retail or **shopping center**, industrial park, medical campus, etc.) on a **lot**, **development site**, or combination of **lots/development sites**; for multiple **signs** as part of an individual **development** project; or for a request for a **waiver** on a site where the **Plan Commission** has previously approved a **Development Plan**.

Medical Facility or Office

A facility for the medical examination and treatment of human outpatients, including audiologist, blood bank, blood or plasma donor facility, chiropractor, **clinic**, dentist, diagnostic center, dialysis center, doctor, health center, **hospice care center**, **hospital**, **laboratory**, **nursing home**, ophthalmologist, optician, optometrist, physical therapy facility, podiatrist, rehabilitation facility, sleep disorder facility, surgery center, and **treatment center**.

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder that:

- (1) Substantially disturbs an individual's thinking, feeling, or behavior; and
- (2) Impairs the individual's ability to function.

The term includes alcoholism, and addiction to narcotics or dangerous drugs.

ALLEN COUNTY ZONING ORDINANCE

Mentally Ill Individual

An individual who:

- (1) Has a psychiatric disorder that substantially impairs the individual's mental health; and
- (2) Requires care, treatment, **training** or detention:
 - (a) Because of the psychiatric disorder; or
 - (b) For the welfare of the community in which the individual resides.

Metes and Bounds Subdivision

A **subdivision** of land, prior to February 1, 2008, that: (i) occurred on a **root parcel of land** through the exempt **conveyance** procedure pursuant to A.C.C. 3-3-3-3(b); (ii) **subdivided** fifty percent (50%) or more of the original root **parcel**; and (iii) resulted in the execution and recording of deeds, **easements**, and other similar documents demonstrating a common scheme of residential **development** on the original root **parcel**. A **metes and bounds subdivision** is a **nonconforming use** after February 1, 2008 only if registered in accordance with A.C.C. 3-3-3-7(b).

Minimum Building Elevation

The lowest opening on any **building** or **structure** as determined by the stormwater authority based on local stormwater management requirements specific to a **Development Plan** or **Subdivision Plat**.

Mirrored Glass

Glass with a high exterior light reflectance level (typically over 50%).

Mitigation

The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

Mixed-Use Building

A **building** containing more than one type of **use**, such as governmental, institutional, office, **personal service**, retail, and residential; including a mix of residential and nonresidential **uses**.

Mixed-Use Development

The practice of allowing more than one type of **use** in a **building** or set of **buildings**.

Mobile Food Service Unit

A vehicle, typically a van, truck, towed trailer, or pushcart, from which food and beverages are sold.

Mobile Home (see "Manufactured Home, Type III")

Mobile Home Park (see "Manufactured Home Park")

Model Home

A **single family (attached)**, **single family (detached)**, or **two family dwelling unit** used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in an approved Major or **Minor Subdivision** or other residential **development**. **Model homes** may also include sales or rental offices.

ALLEN COUNTY ZONING ORDINANCE

Model Unit

A multiple **family** (apartment or **condominium**) **dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in a **multiple family dwelling** or complex. **Model units** may also include sales or rental offices.

Modular Home (see “Manufactured Home, Type I”)

Monument

A permanent marker, used to identify the boundary lines of any **lot, parcel, tract, street** lines, or survey control points.

Mosque (see “Religious Institution”)

Motel

A **building** or series of **buildings**, typically one or two stories, in which sleeping accommodations are offered for compensation, and that is distinguished from a **hotel** primarily by providing independent exterior access to, and adjoining parking for, each rental unit.

Motor Vehicle

A boat/watercraft, bus, golf cart, lawn mower, lawn implements, truck, tractor, trailers, semi-trailer, **recreational vehicle**, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another **motor vehicle** or **automobile**.

Motor Vehicle, Inoperable

An **automobile** or **motor vehicle** which cannot be driven on a **public street** for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

Motor Vehicle Repair

A facility that provides general **motor vehicle** service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **motor vehicles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

Motor Vehicle Storage Yard

A **lot, tract, or development site** used for the temporary, short term (up to 90 days) **outdoor storage** of **automobiles** or **motor vehicles** not used for transportation purposes on an active, regular or continuing basis, whether or not the **motor vehicle** is titled, licensed, or operable, either as a **primary use** or **accessory use**. Junk and **salvage yards** shall not be included under this definition.

Mounting Height, Light

The **mounting height** of a light fixture shall be defined as the vertical distance between the **adjacent** grade and the top of the lighting fixture (luminaire).

Multiple Family Complex

A grouping of two (2) or more **multiple family structures**; also, a project with three or more single **family structures**, or two or more two **family structures**, on a single **lot**.

ALLEN COUNTY ZONING ORDINANCE

Multiple Family Complex, High Rise

A grouping of two (2) or more multiple **family structures** of five (5) or more stories.

Mural

A work of art, including a hand-painted, hand-tiled, or printed image on an exterior **wall** of a **building** that does not contain a message advertising a business conducted, service rendered, event scheduled, political issue, goods produced or sold, or other commercial message. A display or surface treatment that meets this definition is not a **sign**.

Museum

A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items.

Name Plate

An accessory **sign** containing only the name of the occupant of a **dwelling** and an occupation permitted in that **zoning district**.

National Flood Insurance Program (NFIP) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Nature Preserve

An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

Navigation Aids (NAVAID) (see Airport Overlay District definitions)

Navigable Airspace (see Airport Overlay District definitions)

Neighborhood Center

A facility operated by a recognized neighborhood association and typically includes administrative office activities for the association as well as low intensity community services. Activities shall not include commercial or **uses** that create land **use** conflicts within a residential neighborhood.

Neighborhood Facility

A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, playgrounds, non-platted subdivision amenities, and similar **uses**.

New Construction (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

New Manufactured Home Park or Subdivision (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Newspaper Publishing Facility

An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.

ALLEN COUNTY ZONING ORDINANCE

Nightclub

An establishment dispensing liquor and meals in which music, dancing, or entertainment is provided. Any establishment that meets the definition of “**sexually oriented business**” is not included under this definition.

Nits

A photometric unit equivalent to one cd/m² (**candela** per square meter).

Noise Impact (see Airport Overlay District definitions)

Non-Boundary River Floodway (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Nonconforming Building/Structure

An existing **building** or **structure** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **building** or **structure** is located.

Nonconforming Use

A **use** of land, or of a **building** or **structure**, that lawfully existed prior to the effective date of this ordinance that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **use** is located.

Nonresidential District

The C1, C2, SC, NC, C3, C4, **BTI**, I1, I2, and I3 **zoning districts**.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Nursery School (see “Preschool”)

Nursing Home

A facility licensed by the State Board of Health that provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm **persons** requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records; overnight patient stays shall be permitted as part of this use. A convalescent home, health and rehabilitation center, and rest home, if meeting the above criteria, shall also be included under this definition.

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

Obstruction (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Occupied Space

The total area of earth horizontally covered by a **manufactured home**, excluding accessory appendages such as but not limited to **garages**, **patios**, breezeways, and **porches**.

ALLEN COUNTY ZONING ORDINANCE

Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

One-Percent Annual Chance Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

On-site Sewage System

All equipment and devices used for conduction, collection, **storage**, treatment, and on-site disposal of sewage using a soil absorption field or Permitted Discharge System, for a property not served by a sanitary sewerage system. The term shall include conventional, alternative, and experimental **on-site sewage system** technologies and components, and privies approved by the Indiana State **Department of Health** for use in the state. An **on-site sewage system** shall also include a private septic system.

On-site Sewage System Suitability Zone

An area of land delineated on a survey, supplemental document or plot plan, determined under the review of the **Department of Health**, provided in effort to protect soil most suitable for the installation and operation of a private **on-site sewage system**.

Open Fence (see “Fence, Open”)

Open Use of Land

An outdoor **use** that is operated with no **primary buildings** or **structures**, excluding a quarry operation.

Ornamental Fence (see “Fence, Ornamental”)

Outdoor Activity Area

The **use** of an area for outside activities by a **nonresidential use**. Drive-through areas, dumpsters, eating/drinking/smoking areas, loading areas, and **storage** areas shall be considered **outdoor activity areas**. Gardens, front-facing **automobile service** bays and similar **uses** shall not be considered **outdoor activity areas**.

Outdoor Display

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a **structure** consisting of **walls** and a roof. **Outdoor display** shall not mean **yard sales** as defined in this ordinance.

Outdoor Sales, Permanent

The use of a portion of a property for the accessory storage and sales of items such as ice, magazines, newspapers, propane, vending machine sales, and videos.

Outdoor Storage

The keeping of goods, materials or equipment in a location not enclosed by **walls** and a roof.

Outlot

A **building** site available for retail or other nonresidential **development**, typically part of a larger commercial **development** or site.

ALLEN COUNTY ZONING ORDINANCE

Owner

Any **person** having record title.

Painted Graphics

Any advertisement painted directly onto the **wall** of a **building**.

Parcel

An individual unplatted piece of land, that was either: created by a deed recorded prior to the effective date of this ordinance in compliance with the **Subdivision** Control Ordinance in effect at the time of recordation; created as an **exempt division of land/excluded conveyance** by a deed recorded after September 1, 2007, in compliance with the **Subdivision** Control Ordinance in effect at the time of recording; or created by a **Plan Commission**-approved **Development** Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public **right-of-way**, waters of the United States, or **waters of the State** of Indiana, then that piece of land shall be deemed to be more than one **parcel**.

Park or Recreation Area (Private)

A natural, landscaped, or developed area, which may include **buildings, structures, or athletic fields**, owned or controlled and used by private or semi-public **persons**, entities, or groups for active and/or passive recreational purposes.

Park or Recreation Area (Public)

A natural, landscaped, or developed area, which may include **buildings, structures, or athletic fields**, provided by a unit of government to meet the active and/or passive recreational needs of the public.

Parking Area

A public or private area designed and used for the temporary parking of **automobiles** or **motor vehicles**, including parking **lots** and **driveways**.

Parking Area (Off-site)

A **parking area** for a **religious institution** or **school** which is located directly across an **alley right-of-way** from that **religious institution** or **school** (see “**Universally Permitted Use**”).

Parking Space (Off-Street)

A space other than on a **street**, passageway, or **alley** designed for **use** or used for the temporary parking of a **motor vehicle**, including **driveways** and **garages** on private residential property.

Parking Structure

A **structure** designed to accommodate vehicular **parking spaces** that are fully or partially enclosed or located on the **deck** surface of a **building**, including parking **garages** and **deck** parking.

Patio

A slab on grade located in the **front, rear, or side yard** of a property.

Pawn Shop

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where that property may be redeemed by the seller in a fixed period of time or sold to the general public.

ALLEN COUNTY ZONING ORDINANCE

Pedestrian Friendly (see “Pedestrian Oriented”)

Pedestrian Oriented

Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing. **Pedestrian oriented** areas generally separate pedestrian and **automobile** traffic, as well as offer designs that are more human-scaled.

Person

An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such **persons**.

Personal Services

An establishment that primarily engages in providing services generally involving the care of the **person** or his or her personal goods or apparel, including adoption service, **adult care center**, bankruptcy service, **barber shop**, **beauty shop**, bookkeeping service, **child care center**, **clothing** alterations, collection agency, consulting service, **correctional services facility**, copy/duplicating service, counseling service, credit service, **customer service facility**, **dating service**, **day care**, day spa, embroidery, **employment agency**, finance agency, **financial planning service**, fitness center, **funeral home**, **health club**, investment service, legal service, massage therapy, nail salon, nutrition service, security service, social service agency, tailor, tanning salon, **travel** agency, tutoring service, wedding consultant, and weight loss service.

Pet Store

A retail establishment offering small animals, fish, or birds for sale as pets and where all creatures for sale are housed within the **building**.

Photographic Studio

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This **use** may include the developing of film to produce images and the sales of images produced by the establishment.

Physical Map Revision (PMR) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Plan Commission

The Allen **County Plan Commission**.

Planning Jurisdiction

The **planning jurisdiction** of Allen **County** is that land located in Allen **County** that is not included in the **planning jurisdiction** of Fort Wayne, Grabill, Hometown, Leo-Cedarville, Monroeville, New Haven, Woodburn, or Zanesville.

Planning Staff

The personnel of the Land **Use** division of the **Department of Planning Services**.

Plant Nursery

A place where plants are propagated and grown to usable size or otherwise kept for sale, including retail and wholesale nurseries, and the sale of related items, along with any **buildings** and **structures** necessary for the operation of the facility.

ALLEN COUNTY ZONING ORDINANCE

Plat

The drawing on which a plan of **subdivision** is presented to the **Plan Commission** (or an approved committee of the **Commission**) for approval, showing the length, width, and size of each **lot**, and public ways or places. A **plat** must be properly approved and recorded to be of effect.

Plat, Major

A **subdivision** of a **parcel** of land that is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen **County Recorder's** office; excluding an **exempt division of land** under A.C.C. 3-3-3-3(b), a **metes and bounds subdivision**, and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted, unless the **plat** is replatted.

Plat, Minor

A **subdivision** of a **parcel** of land, that creates no more than six (6) **lots** in an A-1 or A-3 **zoning district** and that is reviewed and approved in accordance with this ordinance. No further **subdivision** of a platted and recorded **minor plat** shall be permitted, unless the **minor plat** is replatted in accordance with this ordinance.

Play Equipment

Accessory structures and uses, used for recreation and play, including jungle gyms, play houses, play sets/**structures/equipment**, skateboard halfpipes, swing sets, trampolines, tree houses, and sandboxes, but excluding materials that meet the definition of junk as set forth herein.

Police Station

Any **building** or part of a **building** that is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch, Open

A roofed **structure** attached to a **building** and open on two (2) or more sides. A screened in **porch** shall not be considered open.

Portable Storage Container

A semi-trailer, truck box or other similar container placed on a property for **use** as accessory **storage**. Dumpsters or roll-off containers used for the temporary **storage** of **solid waste** shall not be included under this definition.

Preschool

A **school** for children primarily between the ages of three and five, providing preparation for elementary **school**.

Primary Building (see "Building, Primary")

Primary Surface (see Airport Overlay District definitions)

Printing Services

A retail establishment that includes a quick print **shop** or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, digital services, publishing, binding and **photographic** developing equipment.

ALLEN COUNTY ZONING ORDINANCE

Professional Engineer

An **engineer** who is licensed in compliance with the laws of the State of Indiana.

Professional Office/Business Service

An establishment where the business of a commercial/professional organization or a professional **person** is conducted, or which engages in providing services to such an organization or **person**, including accountant, advertising, answering service, appraiser, architect, attorney, auction service, **bank**, bookkeeping, broker, **credit union**, data processing facility, data **storage** facility, **engineer**, foundation office, graphic design service, insurance agency, interior design service, internet/web site service, **land surveyor**, **loan office**, marketing agency, mortgage service, planner, realtor, **savings and loan**, stock and **bond** broker, tax consulting, and title company.

Protected Class

The federal Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven **protected classes**: race, color, religion, national origin, sex, disability, and familial status.

Public Park (see “Park or Recreation Area, Public”)

Public Safety and Nuisance (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Public Sewer Facility

A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC). This shall not include a package treatment or similar private sewer facility

Public Utility

A firm, corporation, municipal department or **board** duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

Public Water Facility

A water supply system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC).

Public Works Use, Temporary

The **temporary use** of a **structure** or **parcel** of land for purposes of preparing for or completing a public construction project, or for storing materials or equipment related to the construction project inside or outside an enclosed **building**.

Radio Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music and other related media.

Radio Tower (Amateur)

A tower or other **structure** to support a transmitting/receiving antenna for an amateur radio activity.

Reception Hall

A facility in which the primary function is hosting special occasion events at which food and beverages are served to groups of people, with facilities for the refrigeration and heating of food.

ALLEN COUNTY ZONING ORDINANCE

Recorder

The **Recorder** of Allen County, Indiana.

Recreation Area

Private or non-profit recreation **uses**. **Structures** are typically required by or are part of the **primary use** of the use. **Recreation areas** shall include **campgrounds, driving ranges, golf courses, swimming pools**, swimming beaches, volleyball or **tennis courts**, and similar **uses**. This **use** shall not include **public parks** or **public recreation areas**.

Recreation Facility

A private or non-profit indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including bowling alleys, tennis **clubs**, skating rinks, **swimming pools**, and other similar **uses**.

Recreation, General

A commercial **use** that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, **athletic field, arena**, batting cages, betting or other gambling facility, **country club, entertainment facility, golf course (miniature), golf driving range**, go-kart facility, haunted house, **recreation uses, riding stable**, skating rink, **stadium/race track**, swim **club**, tennis **club**, and **theater**.

Recreation/Tourism, Limited

A commercial **use** that provides indoor amusement, entertainment, recreation, or sport for consumers, including **arcade**, billiard or pool hall, bingo establishment, bowling **alley**, dinner **theater, entertainment facility**, haunted house, **hotel, motel**, skating rink, swim club, tennis **club**, and **theater**.

Recreation Uses, Outdoor

Outdoor recreation uses may include **athletic fields, riding stables, swimming pools, tennis courts**, and similar **uses**.

Recreational Vehicle (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Recycling Collection Point

An **accessory use, structure**, or enclosed area that serves as a neighborhood drop-off point for **temporary storage** of recyclable materials. A **recycling collection point** may also include a facility for the temporary collection of used **clothing** and household goods.

Recycling Processing Facility

A recycling facility that receives distinct and recognizable **solid waste** items such as newspapers, magazines, books, and other paper products, glass, metal cans, and other similar products are recycled, reprocessed, and treated in order to return those products to a condition where they may be again be used in new products. Based on a calendar quarter, a **recycling processing facility** must have not more than ten percent (10%) by volume of the **solid waste** that passes through the facility ultimately taken for final disposal.

Refinery

A production facility composed of a group of chemical engineering unit processes and unit operations refining certain materials or converting raw material into products of value.

ALLEN COUNTY ZONING ORDINANCE

Refuse

All waste solids (except body wastes), including **garbage**, rubbish, ashes, and dead animals.

Regular Program (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Regulatory Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Rehabilitation Facility

An inpatient facility which provides skilled nursing care and intensive rehabilitative services. Overnight patient stays shall be permitted as part of this use.

Rehabilitation/Renovation

The act or process of reconditioning and improving a **structure's** condition through repair and alterations.

Religious Institution

A **structure** or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its **accessory buildings** and **uses** (including **buildings** used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. **Accessory buildings, structures, or uses** may include athletic/recreation fields (non-illuminated); assembly **buildings** (including gymnasiums); **clothing** or food banks; **convents**/parsonage/rectories or similar residences; **day care**; counseling or education; **school** facilities; parking; or caretaker's housing. Examples include **churches, mosques, synagogues, temples**, or other places of worship.

Rental and Leasing Store

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a **building**.

Repetitive Loss (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Research and Development Facility

A facility including research, synthesis, analysis, **development** and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient or necessary to the conduct of those activities.

Research and Scientific Laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**.

Residential Condominium Development

A residential **development** created as a horizontal property regime (pursuant to IC 32-25 et. seq., as may be amended) where each **dwelling** unit is owned or financed by the occupant or occupant's lessor, but in which the **common areas**, facilities, and underlying land is owned jointly by all the **owners** on a proportional, undivided basis.

Residential District

The A1, A3, R1, R2, R3, MHS, and MHP **zoning districts**.

ALLEN COUNTY ZONING ORDINANCE

Residential Facility, General

Higher intensity residential **uses** other than **single-family** and **two family dwellings**, including but not limited to:

- (1) **Assisted living facility**;
- (2) **Boarding house**;
- (3) **Dormitory/campus housing** (off-site);
- (4) **Fraternity house**;
- (5) **Group residential facility (large)**;
- (6) **Live-work unit**;
- (7) **Model unit**;
- (8) **Multiple family complex**;
- (9) **Multiple family dwelling**;
- (10) **Nursing home**;
- (11) **Residential dwelling unit** (above, to the rear of, or attached to a permitted **nonresidential use**);
- (12) **Retirement facility**;
- (13) **Sorority house**; and
- (14) **Townhouse complex**.

Residential Facility, Limited

Low-intensity residential **uses** other than **single-family**, **two family** and **multiple family dwellings**, including but not limited to:

- (1) **Adult care home** (in an existing single **family** detached residence only);
- (2) **Child care home (class I or class II)**; in an existing single **family** detached residence only);
- (3) **Group residential facility (small)**; in an existing single **family** detached residence only).

Residential Facility for a Court-ordered Re-entry Program

A facility providing housing for individuals under a program authorized by a local, State, or Federal court. This use shall include overnight stays; this use shall not be considered to be a **correctional services facility** or a **correctional institution**.

Residential Facility for Developmentally Disabled Individuals

A type of **Small Group Residential Facility** providing housing for up to than eight (8) **developmentally disabled individuals** (exclusive of supervisory staff, councilors or resident managers); operated under a program authorized and licensed by the State.

Residential Facility for Homeless Individuals

A facility providing housing for up to eight (8) homeless individuals (exclusive of supervisory staff, counselors, or resident managers).

Residential Facility for Mentally Ill Individuals

A type of **Small Group Residential Facility** providing housing for up to eight (8) **mentally ill individuals** (exclusive of supervisory staff, counselors, or resident managers).

ALLEN COUNTY ZONING ORDINANCE

Residential Facility (Other)

A facility providing housing for up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a protected group as set forth under the Fair Housing Act.

Residential Zoning District (see “Residential District”)

Restaurant

An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal **building**, with or without **drive-through facilities**.

Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the **restoration** period. The limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a **restoration** project.

Retail/Service, General

A facility or area for the indoor or outdoor retail sale of items, merchandise, or products to the general public. This use includes agricultural equipment sales, agricultural equipment service, agricultural supply sales, air conditioning service, **auction hall**, **automobile** auction, boat/watercraft sales, **check cashing**, **engine repair**, **equipment rental (limited)**, equipment service, **exhibit hall**, **exterminator**, **feed store**, fireworks sales, flea market, fruit and vegetable sales, furniture refinishing/repair, **garage**, **garden equipment supply**, **greenhouse**, gun sales, heating service, **home improvement store**, **manufactured home** sales, **motor vehicle** auction, **motor vehicle** rental, **motor vehicle** repair, **motor vehicle** sales, **motor vehicle** washing facility, **pawn shop**, pest control, **plant nursery**, plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled gas sales and service, **shooting range** (indoor only), **storage shed** sales, taxidermist, trade show facility, truck fueling station, truck stop, **warehouse/storage facility**, and **window** repair.

Retail Facility, Multiple Tenant

A **single multiple tenant** retail **building** located on a **development site** or **shopping center** outlet.

Retail Facility, Single Tenant

A stand-alone, **single tenant retail facility** on its own **development site**. Accessory space may be rented or leased within the **building** provided a separate outdoor entrance is not provided. This definition shall not include home improvement centers.

Retail, Limited

A facility or area for the retail sale of certain items, merchandise, or products to the general public. This **use** includes air conditioning sales, appliance store, **antique shop**, artist material and supply store, **art gallery**, bicycle sales and repair **shop**, book store, card and stationary store, catalog showroom, cigarette/tobacco/cigar store, clock, watch, and jewelry sales/ repair, coin **shop**, consignment **shop**, cosmetic store, craft gallery, craft supply store, **department store**, drug store, fabric **shop**, **farmers market**, fireworks sales (indoor), flea market (indoor), floor covering store, florist, **furniture store**, gift **shop**, glass cutting/glazing **shop**, hardware store, home improvement business, home repair, household appliance store, heating sales, hobby **shop**, interior decorating store, leather goods or luggage store, medical supply sales, movie and game sales/rental, music store, musical instrument store, paint store, **pet store**, pharmacy, photographic supply store, picture framing facility, pottery sales, rental and/or leasing store (including furniture, office equipment, or party supplies), **sign sales store**, sporting goods sales and rentals, toy store, variety store, and **window** sales.

ALLEN COUNTY ZONING ORDINANCE

Retaining Wall

Any **fence** or **wall** built or designed to retain or restrain lateral forces of soil or other materials.

Retirement Facility

An independent living facility designed to meet the needs of **persons** fifty-five (55) years of age or over. Typically the facility consists of independent living apartments along with **common areas** for meals, social gatherings, and recreation. Services such as transportation, housekeeping, dietary supervision, recreational activities, and coordination for home health care may also be offered. However, the primary purpose of the facility is not to provide medical services for its residents.

Riding Stable, Nonresidential

Any **lot** or portions of a **lot** on which horses or other similar animals are maintained for the public to ride in return for monetary remuneration or other forms of compensation. Nonresidential stables may be located on a **parcel** with no **primary structure**.

Riding Stable, Private

Any **lot** or portions of a **lot**, on which a **private club**, association, or other private organization maintains horses or other similar animals to be ridden exclusively by its membership and guests of the membership.

Riding Stable, Residential

An area for riding or housing/boarded horses, used as an **accessory use** and located on a property with a single **family** residence.

Right-of-Way

A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, **public utilities**, or other public **uses**.

Roadside Stand

An **accessory use** to a permitted **single family use** in an A1/Agricultural **district**, where agricultural products grown or produced on the **lot** are offered for sale.

Root Parcel of Land

Any separate and distinct quantity of land located within a registered **metes and bounds subdivision** created by virtue of a legally recorded deed. For purposes of determining the duration of existence of a **root parcel**, a quantity of land shall not lose its character as a **root parcel** because of later **conveyances** of land from that **parcel**; provided, however, that any **parcel** legally created from a **root parcel of land** by **conveyance** within a registered nonconforming **metes and bounds subdivision** shall, after the expiration of twelve (12) months from the recordation of the deed evidencing that **conveyance**, be construed as a new **root parcel**.

Runway (see Airport Overlay District definitions)

Runway Protection Zone (RPZ) (see Airport Overlay District definitions)

Sales Yard

An outdoor area for the sale of **building** materials, lumber, sand, gravel, stone, and similar materials used in construction projects.

ALLEN COUNTY ZONING ORDINANCE

Salvage Yard

A **lot, parcel, development site, structure,** or business operation that is primarily used for sales of, processing, or dismantling junk, **building/infrastructure** construction material, or similar material.

Sanitary Landfill

A **solid waste** disposal facility designed to accommodate and dispose of certain types of **solid waste** as defined and described in 329 IAC 10-2 (excluding **hazardous waste** regulated by 329 IAC 3.1). The facility shall be operated by spreading the waste in layers, compacting to the smallest practical volume, and covering with material at the end of each operating day. The facility shall be operated under permits issued by the appropriate government agencies.

Satellite Dish, Large

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is more than two (2) feet in diameter.

Satellite Dish, Small

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is not more than two (2) feet in diameter.

Savings and Loan

An establishment that provides lending and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive-through facilities**.

Sawmill

A mill for sawing timber or logs into boards or lumber.

School

Facility used for educational purpose including public or private primary or secondary **schools**; elementary, junior or senior high, including charter or vocational **schools**.

Seasonal Outdoor Retail Sales

Any business or **use (primary or accessory)**, that is conducted primarily out of doors, which may include but not be limited to: retail sales of garden supplies and equipment; **roadside stands** for the sale of fruits and vegetables, plants, flowers, Christmas trees, fireworks; and other similar businesses or **uses**.

Secondary Approval

Approval, or approval with **conditions**, granted to an application for a **Development Plan** or **Major** or **Minor Subdivision**, certifying that the application reflects all terms, **conditions**, and **commitments** required by the **Plan Commission**, or the **Plat Committee** acting in its behalf.

Section 1316 (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

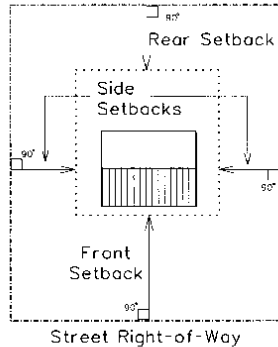
Self-Service Storage (Mini-Warehouse) Facility

A **building** or group of **buildings** consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for **self-service storage** of personal property.

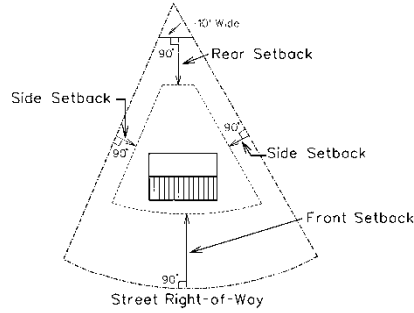
ALLEN COUNTY ZONING ORDINANCE

Setback

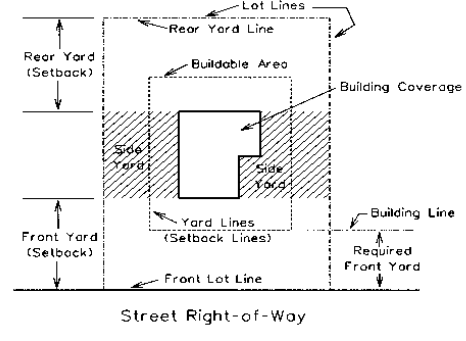
The distance on a **lot** measured from the edge of a **right-of-way** that must remain open, unoccupied and unobstructed by **structures**, except as otherwise provided or permitted in this ordinance.



Examples of Setbacks



Examples of Setbacks



Sexually Oriented Business

An establishment that meets the definition of “**sexually oriented business**” as defined in Allen County Code Section 8-30-1-2.

Shed

An outbuilding or other **structure** that is accessory to a principal **use** on the same **lot**.

Shooting Range

An area or facility to be used for firearm target practice, competitions, or similar **uses**, including but not limited to archery, skeet, trap, paintball, and similar shooting activities, and including both indoor and outdoor facilities.

Shop

A place where merchandise is offered for sale; a store.

Shopping Center

A **development** that includes more than one **multiple tenant** or **single tenant retail** facility, or other retail **use** located on a **development site** or combination of **development sites**.

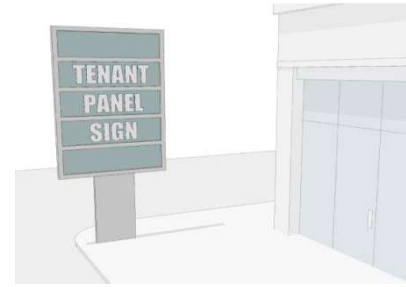
Sign

Any identification, description, illustration, device, light projection, or surface treatment, that is in view of the general public and that directs attention to a **person**, place, commodity, activity, institution, organization or business. **Signs** include but are not limited to wind wavers, banners, **building** and equipment wraps, painted tops of **buildings**, mannequins displayed outdoors, **outdoor displays** of goods not for sale, **window signs**, and portable **signs**. **Signs** do not include architectural elements or details; clocks; thermometers; vending machines; newspaper racks; decorative illumination including **façade** illumination, neon accent lighting, and backlit **awnings** that do not attract attention to a product or service; art, **murals**, and other similar painted displays that do not attract attention to a product or service; **signs** where the message is either not legible from outside the **building** or intended to only be seen from inside the **building**.

ALLEN COUNTY ZONING ORDINANCE

Sign, Additional Entrance

A **freestanding sign** located at the entrance to a property containing multiple tenants or facilities on a single property or on multiple properties that share that access. An **additional entrance sign** includes but is not limited to a tenant panel sign for a **shopping center**, commercial facility, or industrial park, or a single sign containing the names of the multiple tenants or facilities that share the access where the sign is located, but does not include a **subdivision entrance sign**.



Sign, Auction

A **temporary sign** that announces the date, time and other information relative to an auction on a property.

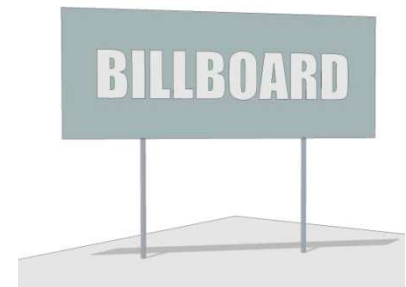
Sign, Awning

A sign affixed flat to or painted upon the surface of an **awning**.



Sign, Billboard

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that has 100 square feet or more of **sign area**.



Sign, Blade

A sign affixed to a **building wall** that projects from the **building face**, generally at right angles to the **building**. **Blade signs** are primarily oriented toward vehicular traffic and located in higher traffic volume areas. The height of a blade sign shall be at least 1.5 times the sign width.

Sign, Canopy

A **sign** affixed to a **canopy**.

Sign, Changeable Copy

A **sign** or portion of a **sign** that allows for frequent changes in **sign** messages by manual, **electronic**, or mechanical means.

Sign, Construction

Any **sign** announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a **building** project or announcing the character of the **building** enterprise or the purpose for which the project is intended.



ALLEN COUNTY ZONING ORDINANCE

Sign, Direction

A small auxiliary **sign** typically used to provide information such as directions on or to a property, parking locations and limitations, traffic information, address identification, and other similar information. **Direction signs** may include logos or other proprietary symbols.



Sign, Directory

A **sign** that provides a list or directions to multiple facilities or tenants within a single **building** or complex of **buildings**.

Sign, Drive-Through

A **sign**, as defined herein, erected for and used in conjunction with a commercial **use** which conducts business exchanges with clients who drive up to a **window** and remain in their **automobiles**. **Drive-through signs** shall include menu boards and other **signage** relating to services available at the service **window(s)**.

Sign, Entrance

A **sign** used to identify a planned **district** or platted **subdivision** with the intention of providing knowledge about the complete project and not a single entity or unit.



Sign, Expired

A **sign** displayed on a property after the conclusion of the event the **sign** was placed in association with; or a **sign** with a message that has been rendered no longer operative, valid, or timely by a cessation or abandonment of a land **use** or occupancy, a cessation or completion of events, or the passage of time. Examples of **expired signs** shall include a **sign** for a business no longer in operation, an empty **sign** cabinet that does not display any message, a **yard sale sign** displayed after the conclusion of the sale, a **noncommercial opinion sign** displayed more than the permitted number of days after the date of the applicable election, a **real estate sign** displayed more than the permitted number of days after the closing of the sale, or a **construction sign** displayed more than the permitted number of days after the completion of construction.

Sign, Flashing

Any **sign** that flashes or appears to flash by a powered light source at intervals of less than 6 seconds.

Sign, Freestanding

A **sign** that is completely or principally self-supported and erected on a frame, mast or pole that is not attached to a **building**.

Sign, Ground-mounted

A **freestanding sign** supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles with no clearance between the bottom of the **sign** and the ground below, and designed to include a continuous or nearly continuous central base.



ALLEN COUNTY ZONING ORDINANCE

Sign, Incidental

Any accessory **sign** that advertises goods, services or facilities that are available on the premises where the **sign** is located. Any **sign** required by law shall not be counted as an **incidental sign**.

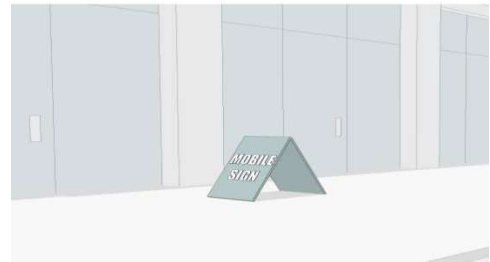
Sign, Marquee

A **sign** displayed, erected or supported upon an overhanging **marquee** or other similar cover or shelter.

Sign, Master Plan (see “Master Sign Plan”)

Sign, Mobile

A **sign** that is designed to be moved from one location to another, and is not permanently affixed to the ground or to a **structure** that is permanently affixed to the ground (including **signs** affixed to a truck or trailer that is parked temporarily on a **lot** or **parcel**). A vehicle associated with and parked within 40 feet of a permitted or approved **special use** is not a **mobile sign**.



Sign, Multi-Faced

Any **sign** in a three-dimensional configuration, including but not limited to cubes, spheres and cylinders.

Sign, Noncommercial Opinion

A **sign** that expresses an opinion or other point of view, and does not contain information or advertising for any business, product, good, service, entertainment, or other commodity. A **sign** that meets the definition of “**sign**”, including an **on-premise sign** or and **off-premise sign**, shall not be considered a **noncommercial opinion sign**. A **political sign** shall be considered to be a **noncommercial opinion sign**.

Sign, Off-Premise

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that does not exceed 100 square feet in area.

Sign, On-Premise

Any **sign** identifying or advertising a business, **person**, activity, good, product or service located on the premises where the **sign** is installed.

Sign, Political

Any **temporary sign** pertaining to an election or a referendum or carrying the picture or name of a **person** seeking election or appointment to a public office.

Sign, Projecting

A **sign** other than a **wall sign**, that is affixed to any **building**, **wall** or **structure** and extends greater than eighteen (18) inches beyond the **building wall** or parts of the **building wall**, generally at a right angle to the **building**, so that the **sign** is designed to be viewed from a position generally perpendicular to the **building**. **Projecting signs** shall not project above the **wall** of a **building**, including cornice **walls**. A sign which is suspended from a **building** or part of a **building** shall also be considered a projecting sign. The height of a projecting sign shall be less than 1.5 times the sign width.



ALLEN COUNTY ZONING ORDINANCE

Sign, Public Information

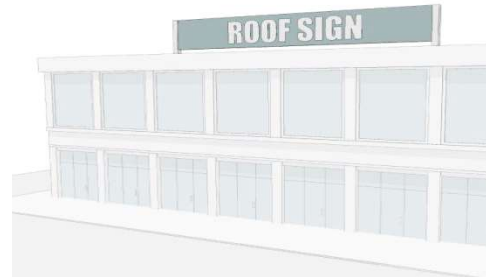
Signs of a public, non-commercial nature to include safety **signs**, trespassing **signs**, traffic **signs**, **signs** indicating scenic or historical points of interest, memorial plaques and the like, and all **signs** erected by or on order of a public office in the performance of a public duty.

Sign, Real Estate

An **on-premise sign** pertaining to the sale, construction, rental or lease of the property upon which it is located.

Sign, Roof

A **sign** erected upon or above a **roof** or parapet of a **building**.

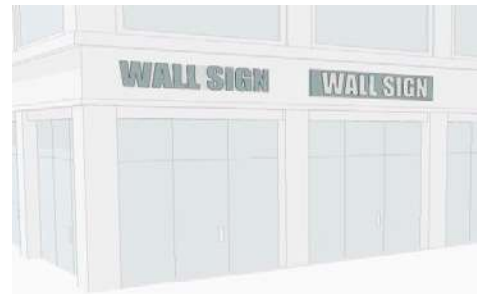


Sign, Temporary

A **sign** not permanently installed or not intended or designed for permanent display. This includes all **signs** constructed of cloth, canvas, light fabric, cardboard, or other light material. Easily removed **signs** attached to **windows** shall be considered **temporary signs**.

Sign, Wall

A **sign** attached to the face of a **building**, or attached to a mansard or similar style of **roof**, so that the **sign** is designed to be viewed from a position generally parallel to the **building**. **Signs** parallel to and attached to sloping **walls** or mansard or similar style **roofs** to allow the **sign** display surface to remain perpendicular to the ground shall also be considered **wall signs**. **Wall signs** shall not project above the **wall**, cornice line, or **top roof line** of a **building**.



Sign, Window

Any **sign** painted or otherwise permanently affixed onto a glass area or installed behind a **window** for viewing from outside the **building**, excluding **temporary signs**.



Sign Area

The area in square feet of the smallest, simplest, single geometric figure that encloses the area that forms the outside shape of the **sign** face. Permitted **changeable copy** areas are to be included in calculation of **sign area**, not allowed in addition to otherwise permitted **sign area**.

Sign Brightness

The maximum brightness of a video display or **electronic** graphic display **sign**.

Sign Fabricating Shop

An establishment where the **primary use** is the fabrication of freestanding, **wall**, identification, or other signage for off-site installation. The maintenance and installation of **signs** shall also be permitted as part of this use.

Sign Height

The distance between the lowest grade level within two feet of either side of a **sign**, and the highest part of the **sign** or its supporting **structure**.

ALLEN COUNTY ZONING ORDINANCE

Sign Sales Store

An establishment where the **primary use** is the retail sale of **signs**, banners, or similar items. Limited on-site fabrication or creation of signage may be permitted.

Sign Separation from Districts, Uses, or Features

Where **signs** are required to be separated from specified **zoning districts**, land **uses**, or other features, the distance shall be measured radially starting from the center of the **sign** base at grade, and shall extend outward in a circular manner for the distance specified.

Sign Separation from other Signs

Minimum required distances between **off-premises signs** and **billboards** shall be measured (a) horizontally along the side of the **street** where the **sign** is located and (b) along the opposite side of the **street** where the **sign** is located, beginning from a point directly opposite the **off-premises sign** or **billboard**, as measured from an imaginary line perpendicular to the centerline of the **street** at that point.

Significant Natural Features

Noteworthy elements of the natural environment including rock outcroppings, ravines, **streams**, irrigation ditches, stands of more than 100 mature trees, and identified historical or archeological sites.

Single Family Dwelling (Detached) (see “Dwelling, Single Family, Detached”)

Site Area, Gross

The entire land area within the boundaries of a site, including all existing and proposed public and private **rights-of-way**.

Site Area, Net

The entire land area within the boundaries of a site, excluding all the area of any existing and proposed public and private **rights-of-way**.

Slaughter House

A facility for the slaughtering and processing of **domestic farm animals** or deer, and the refining of their byproducts.

Small Satellite Dish (see “Satellite Dish, Small”)

Solar Panel (ground-mounted)

A single panel or combination of panels or elements that does or will **use** direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. **Solar panels** include both photovoltaic and hot water devices.

ALLEN COUNTY ZONING ORDINANCE

Solid Waste

Any **garbage**, **refuse**, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material as described in 329 IAC 10-2-174(A)(6). However, the term “**solid waste**” does not include the following:

- (1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the City Code;
- (2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);
- (3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

A facility at which **solid waste**, as defined in 329 IAC 10-2, is transferred from a vehicle or container to another vehicle or container for transportation from one mode of transportation to another including the transfer of a trailer, container or waste from rail to road transportation. The following may also be located at a transfer station as **accessory uses**: **solid waste** baler, **solid waste** shredder, composting facility or **garbage** grinding facility. The **storage** or transfer of **hazardous waste** as regulated under 329 IAC 3.1(as may be amended) shall not be permitted at the facility. This term does not include the following:

- (1) Collection containers for **solid waste**;
- (2) The transfer of **solid waste** at the point of generation;
- (3) A recycling processing facility that receives distinct and recognizable **solid waste** items that fall under the definition of “**recycling processing facility**”;
- (4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or
- (5) A facility that generates **solid waste**.

Sorority House

A **building**, rented, occupied or owned by a national or local chapter of an organized college **fraternity** or **sorority** that is officially recognized by a college, university, or other **educational institution**.

Special Event

Events connected to a universally permitted use, including but not limited to fairs, carnivals, or festivals.

Special Flood Hazard Area (SFHA) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to A.C.C. 3-5-3-4 and the other applicable provisions of this ordinance prior to commencing the **use**.

ALLEN COUNTY ZONING ORDINANCE

Stadium/Racetrack

Any **structure** with tiers of seats rising around an unenclosed sports field, playing court, or public exhibition area. **Stadium/racetracks** are primarily used for sports and athletic events. Entertainment and other public gathering purposes, such as concerts and conferences may be permitted as an **accessory use** of a **stadium/racetrack**.

Start of Construction (see **Floodplain Regulations – A.C.C. 3-4-12-2, Definitions**)

Steeple

A conical, pyramidal, or similar **structure** on the top of a tower or roof of a **religious institution**.

Storage

The keeping of goods, materials, equipment or vehicles on a property.

Storage Building

Structures used for the **storage** or warehousing of goods, but not including **temporary storage** containers such as portable on-demand units or tractor trailers used for **storage**.

Storage Shed

An **accessory structure** to a residential **use** used for the **storage** of household recreational or **yard** equipment, gardening materials, tools, and household similar items, but excluding **portable storage containers**, shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

Story

That portion of a **building** included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a **building** used for human occupancy between the topmost floor and the roof. A **basement** shall not be counted as a **story** unless the height of the surface of the first floor above the average elevation of the finished **lot** grade at the front of the **building** exceeds four (4) feet.

Story-Half

A story under a gable, hip or gambrel roof, the **wall** plates of which on at least two (2) opposite exterior **walls** are not more than two (2) feet above the floor of that **story**.

ALLEN COUNTY ZONING ORDINANCE

Street, Arterial

A **street** system typically designed to carry high volumes of traffic, generally interconnecting with **expressways** and **freeways**, and providing a continuous high mobility network that primarily services regional traffic. The following classifications shall also be included under this definition:

(1) Principal Arterial

A **public street** that provides high volume **travel** between major points or serves the major centers of activity and designated as a **principal arterial** on the map contained in the latest Transportation Plan adopted by the **Board of Commissioners**. A **principal arterial** carries most of the trips entering and leaving the urban area as well as most through movements and intra-area **travel**. The **street** serves primarily through traffic and provides access to abutting properties as a secondary function.

(2) Minor Arterial

A **street** system that interconnects with and supports the **principal arterial** system and designated as a **minor arterial** on the latest Transportation Plan adopted by the **Board of Commissioners**. The system carries trips to geographic areas smaller than that identified with higher classifications. Those arterials not classified as **principal arterials** shall be classified as **minor arterials**.

Street, Collector

A **public street** that provides moderate volume traffic circulation and property access. The **street** may penetrate residential, commercial, and industrial areas distributing trips from arterials through the area to **local streets** or final destinations. The system also links neighborhoods or areas of homogeneous land **use** with arterials. The following classifications shall also be included under this definition:

(1) Street, Minor Collector

A **minor collector street** serves as a connecting link between **collector streets** and **local streets**, primarily serving internally to residential communities.

(2) Street, Sub-Collector

A **street** that functions to conduct traffic between major traffic arterials and/or activity centers. It is a principal traffic artery within a residential area and carries a relatively high volume of traffic.

Street, Cul-De-Sac

A dead-end **street** that terminates in a circular **right-of-way** and does not provide more than one access point onto another **street**, nor act as a collector, or means of access to **lots** not fronting that **street**.

Street, Local

A **public street** that provides for low volume traffic circulation and direct access to abutting properties (residential, commercial, and industrial). Through-traffic movement is usually deliberately discouraged.

Street, Private

An improved area other than a **driveway**, which is located on private property, used primarily for purposes of vehicular **travel**, and has not been dedicated or otherwise accepted as a public **right-of-way** by an appropriate governmental entity.

ALLEN COUNTY ZONING ORDINANCE

Street, Public

A dedicated public **right-of-way** used primarily for purposes of vehicular **travel**, including the pavement, median, curb and/or shoulder, that has been dedicated to or otherwise accepted by the appropriate governmental entity.

Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **structures** include **arbors, awnings, billboards, buildings, canopies, carports** (including framed canvas or plastic covered **carports**), **decks, fences, gazebos**, loading docks, **manufactured homes, portable storage units, porches, storage tanks, satellite dishes, swimming pools**, and **walls**. The term does not include construction or features such as **driveways**; earth berms or mounds; on-grade **patios; parking areas**; ponds or detention areas; sidewalks; sanitary or **hazardous waste** landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; tents or **recreational vehicles**; vegetation; or similar natural features and/or man-made construction.

Structure, Primary (see “Building, Primary”)

Structure, Temporary

A trailer, mobile unit, or other **structure** intended to be placed on a **lot, tract, or development site** for a limited period of time.

Studio

An area or facility used for the production/creation of or **instruction** in art, crafts, music, painting, photography, sculpture, or similar activities.

Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **Exempt Division of Land** pursuant to A.C.C. 3-3-3-3 (b). The following classifications shall also be included under this definition:

(1) Subdivision, Major

A **subdivision** of land meeting the definition of a **Major Subdivision** in A.C.C. 3-3-3-3 (d).

(2) Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in A.C.C. 3-3-3-3 (c)

Substantial Change

For the purposes of plan review and approval, a change in or to: access point numbers or **significant** change in location; the number of **buildings**; the number or size of **lots/parcels** (however, for a single **family** subdivision, an increase of up to 5% of the number of platted **lots** shall be permitted); or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan.

Substantial Damage (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Substantial Improvement (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Supermarket (See “Grocery Store”)

ALLEN COUNTY ZONING ORDINANCE

Suspension (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

Synagogue (see “Religious Institution”)

Tavern (see “Bar”)

Television Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music, videos, television, and other related media.

Temple (see “Religious Institution”)

Tennis Court

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tire Sales

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

Top Roof Line

The principal top edge of the roof of a **building**.

Townhouse Complex

A grouping of at least two (2) freestanding **townhouse structures**.

Townhouse Structure

A **structure** containing three (3) or more **townhouse dwelling** units.

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

Transition

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

ALLEN COUNTY ZONING ORDINANCE

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** 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.

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Universally Permitted Use

Universally permitted uses are land **uses** that are permitted in any **zoning district** within the **County's planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (2) an **open fence** of up to 4 feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein, in conjunction with a vacant **lot**, or an existing proposed **primary use parking area**;
- (3) a fire station, **police station**, other similar public safety use, or other publicly-owned **building** supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private non-profit), excluding **parking areas** or **structures** available for public use;
- (5) an **off-site parking area** for a **religious institution** or a **school**, if located directly across an existing **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including **parking areas**, and **structures**;
- (7) a private garden (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (8) a **religious institution**; and
- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

Unrelated Persons

Two (2) or more **persons** occupying a **single dwelling unit** who are not related by blood, marriage or adoption.

Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

Use, Nonconforming (see "Nonconforming Use")

Use, Nonresidential

A commercial, industrial, or institutional **use**, including educational and **religious institutions**, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

ALLEN COUNTY ZONING ORDINANCE

Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one primary **use** may exist on or within **building(s)** or **structure(s)** or on a **lot**, **tract**, or **development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full use of the entire residence (excluding individual bedrooms). Except for residential facilities for the **developmentally disabled** or **mentally ill**, or a **residential facility (other)**, services shall not be provided to residents. A **fraternity or sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, structures, or other facilities used or intended to be used by any private utility other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Fixture (see “Utility Fixture, Accessory”)

Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **on-site sewage system** or septic tank covers, pumps, inspection pipes, solar panels (**building** mounted), utility connection enclosure boxes, or well heads.

Utility Runway (see Airport Overlay District definitions)

Variance (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Veterinary Clinic (see “Animal Hospital”)

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement.

Wall

The vertical exterior surface of a **building** or **structure**.

Wall, Freestanding (see “Fence”)

ALLEN COUNTY ZONING ORDINANCE

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a self-service **storage** (mini-warehouse) facility.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

Watercourse (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight terminals; bus barns; **parcel** services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see Airport Overlay District definitions)

Wind Energy Conversion System (WECS)

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer’s rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

ALLEN COUNTY ZONING ORDINANCE

Wind Energy Conversion System, Micro

A **building**-mounted wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than twelve (12) feet above the highest point of the roof.

Wind Energy Conversion System, Standard

A **wind energy conversion system** that has a nameplate capacity (manufacturer's rating) between 10 and 50 kilowatts per system, a total system height of 60 feet or less, and a swept area of 40 feet or less.

Wind Energy Conversion System Swept Area

The diameter of the smallest circle encompassing the blades of a **wind energy conversion system**.

Wind Energy Conversion System Height

The distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

Wind Tower

A freestanding **structure** that supports the energy capture, conversion, **storage** and transfer components of a **wind energy conversion system**.

Window

An opening constructed in a **building wall** that functions to admit light or air, typically framed and spanned in glass.

X Zone (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Yard

A space on the same **lot** with a main **building**, open, unoccupied and unobstructed by **structures**, except as otherwise provided in this ordinance.

Yard, Front

A **yard** extending across the full width of the **lot**, the depth of which is the least distance between the **street right-of-way** line and the **building line**.

Yard, Internal Side

On a **corner lot**, the **side yard** that does not abut a **street right-of-way**.

Yard Light

A fixture intended to provide illumination to a certain area or a portion of a **lot**

Yard, Rear

A **yard** extending across the full width of the **lot** between the rear of the **primary building** or **structure** and the **rear lot line**, the depth of which is the least distance between the **rear lot line** and the rear of the **primary building** or **structure**. If the **rear lot line** is less than ten (10) feet long, or the **lot** comes to a point at the rear, the required **rear yard** shall be measured from a line where the rear of the **lot** is ten (10) feet wide and parallel or tangent to the front **street** line.

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Yard, Side

A **yard** between the **primary building** or **structure** and the **side lot line**, extending from the **front yard** or **front lot line** where no **front yard** is required, to the **rear yard**. The width of the required **side yard** is measured horizontally, at ninety (90) degrees with the **side lot line**, from the nearest point of the **side lot line** to the nearest part of the **primary building** or **structure**.

Yard Sale

A sale of personal property to the general public on any portion of a residential property, including properties in **nonresidential zoning districts** that are used for residential purposes. This definition shall also include all sales entitled **garage, patio, carport, basement, porch, driveway**, rummage, estate, moving and the like.

Zone (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Zone A (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Zone B, C, and X (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Zoning Administrator

The **person** appointed by the Fort Wayne and/or Allen **County Plan Commission** to enforce and administer the provisions of this ordinance.

Zoning District

Delineated areas within the **planning jurisdiction** of the **County**, as shown on the adopted zoning maps, in which the regulations of this ordinance apply.

Zoo

A facility where animals are kept for indoor or outdoor viewing by the public. Office, retail, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.