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**#ZORD-2023-0006**

**BILL NO. G-23-10-21** As Amended

**ORDINANCE NO. G-2-24**

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

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

SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through 157.224 (Zoning Districts); Section 157.404 (Development Design Standards); Section 157.405 (Development Standards Waivers and Exceptions); Section 157.503 (Procedures); and Section 157.506 (Definitions) are hereby amended as follows.

Amendment SU1 - 157.203(C) through 157.211(B)

Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III; allow for Container Homes, a definition for Container Home has been added, and the use has been added as a special use option in the following districts: A1, AR, R1, R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in the MHP districts.

Amendment DS1 - 157.203(E) through 157.224(E)

There is no lot frontage standard in the residential and agricultural zoning districts; added a statement for: Lot width "at front lot line" to clarify the standard for A1, A3, and AR. Added a standard for lot width "(25' at front lot line)" in the applicable residential zoning districts (R1, R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer (25') and private sewage disposal (120').

Amendment PU1 - 157.212(B) through 157.224(B)

"Office, Professional" is not listed as a specific permitted use; added "Office, Professional" as a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2 and I3.

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Amendment DS3 - 157.212(E) through 157.224(E)

There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts; standard was updated to have one height limit for all primary or accessory buildings or structures.

Amendment DDS1 - 157.404(R)

There is an issue with a "standard" being listed under the "exceptions" section, and an "exception" listed under the "standards" section in the Lighting-Development Design Standards chapter; switched the placement of §157.404(R)(1)(d) with §157.404(R)(2)(b).  
§157.404(R)(1)(d) "Lighting for outdoor recreational uses such as ..." ((standard)).  
§157.404(R)(2)(b) "Except for the portion of the property adjoining a ..." ((exception)).

Amendment DSW1 - 157.405

There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions; updated §157.405(A) to add: ", except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area."

Amendment PRO1 - 157.503(D)(3)(h)

Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III; to allow for Container Homes as a special use, additional special use standards and provisions have been added.

Amendment DEF1 - 157.506(B)

The abbreviation BZA is used throughout the ordinance but not defined; added the acronym BZA to the definition of Board of Zoning Appeals.

Amendment DEF2 - 157.506(B)

There is a requirement for a child care home operator to live on a premise where a child care home is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence."

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Amendment DEF3 - 157.506(B)

Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III; to allow for Container Homes in certain districts, a definition for Container Home has been added.

Amendment DEF4 - 157.506(B)

There is a requirement for a daycare provider to live in the residence where a daycare is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence." and to clarify that the use is "an accessory use to a residential building".

Amendment DEF5 - 157.506(B)

"Plan Commission" and "Commission" and definitions do not point to each other. The abbreviation PC is used throughout the ordinance but not defined; added the acronym (PC) and (see "Commission") to the definition of Plan Commission. Deleted the repeated definition of Plan Commission.

Amendment DEF6 - 157.506(B)

There is confusion regarding what constitutes a portable storage container; added "shipping container" to the definition to clarify.

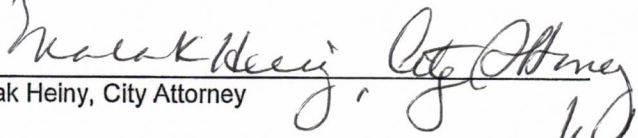
Amendment DEF7 - 157.506(B)

There is confusion over what items constitute recycling materials for a Recycling Processing Facility; added: "metal, computer, and electronic equipment," to the definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 10, 2024.

  
\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Malak Heiny, City Attorney



## FORT WAYNE ZONING ORDINANCE

(e) Manufactured home, type II

In addition to meeting the requirements set forth in §157.503(D)(2) the **Board** shall determine that the home is:

- (i) 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
- (ii) Constructed of roofing and siding materials compatible with the immediate area.

(f) Sanitary landfill

- (i) The minimum size of a **sanitary landfill** facility shall be seventy (70) acres.
- (ii) Minimum required depth of any **front, rear** or **side yard** 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**.
- (iii) No part of a **sanitary landfill** property shall be located less than six (6) miles from a public **airport**.
- (iv) 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.
- (v) A **Board**-approved site screening area 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 (f)(4) above. Site screening can include planting and earth berming or mounding.

(g) Solid waste transfer station

Any waste receptacles stored outside shall be stored on a paved surface.

(h) **Container home**

In addition to meeting the requirements set forth in 157.503(D)(2) the **Board** shall determine that the home is:

- (i) Constructed in a manner that is consistent with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; foundation type and construction;
- (ii) Have siding material of a type customarily used on **dwellings** constructed on-site for 75% of the front-facing facade, and a professional finish for all facades;
- (iii) Have roofing materials of a type customarily used on **dwellings** constructed on-site (such as but not limited to: asphalt shingles, cedar shingles, and metal); and
- (†)(iv) **Certified by a Professional Engineer Certified by an Indiana Structural Engineer or Indiana Registered Architect.**

## FORT WAYNE ZONING ORDINANCE

### **Container Home**

A **structure** comprised, in part or whole, of one or more Grade A Shipping container(s) that has been repurposed and designed for use as a single or **two family dwelling**. A “Grade A” certified Shipping container has documented characteristics that include being wind and water tight, having not been used to transport hazardous materials, and retaining corner post integrity. To be considered a **container home**, the **structure** must:

- (1) Be constructed in conformance with the Indiana One and Two Family Dwelling Code;
- (2) Contain at least seven hundred (700) square feet of **occupied space per dwelling** unit;
- (3) Consist of one or more section(s);
- (4) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;
- (5) Have roofing material of a type customarily used on **dwellings** constructed on-site (such as but not limited to: asphalt shingles, cedar shingles, and metal);
- (6) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and
- (7) 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.

### **Contingent Use**

A **use** that could be permitted in any **zoning district** as set forth in §157.503(C), 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. A **use** which also includes gas pumps shall not be considered a **convenience store**. A **convenience store use** shall be considered a **primary use** of a property.

### **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”)**

# FORT WAYNE PLAN COMMISSION • REPORT OF APPROVAL

G-23-10-21 / ZORD-2023-0006

## Amendment to Chapter 157 of the Fort Wayne City Code

APPLICANT: Fort Wayne Plan Commission

REQUEST: To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:

- Section 157.202 (Permitted Uses)
- Section 157.203 through 157.212 (Zoning Districts)
- Section 157.404 (Development Design Standards)
- Section 157.405 (Development Standards Waivers and Exceptions)
- Section 157.503 (Procedures)
- Section 157.506 (Definitions)

AFFECTED AREA: City of Fort Wayne planning jurisdiction

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### November 13, 2023 Plan Commission Public Hearing

- No one spoke in support or with concerns.
- Tom Freistroffer, Karen Richards, and Ryan Neumeister were absent.

### November 20, 2023 Plan Commission Business Meeting

#### Plan Commission Recommendation: DO PASS

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

**8-0 MOTION PASSED**

### February 13, 2024 Common Council Meeting

#### Common Council: Bill Amendment

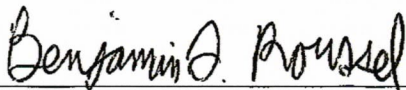
Councilman Paul Ensley motioned for an amendment to the bill, which would change the requirements for Container homes to have been certified by a Professional Engineer to “certified by an Indiana Structural Engineer or Indiana Registered Architect”. He stated that the reason for this was to correct an oversight that otherwise would not allow an architect to approve the style of home. Common Council voted unanimously by all present to accept that amendment and to pass the bill as amended immediately after, which means the eight members present voted in favor of both.

### February 19, 2024 Plan Commission Business Meeting

A motion was made by Patrick Zaharako and seconded by Paul Sauerteig to approve the Technical Amendment Ordinance ZORD-2023-0006 as amended by Common Council.

**7-0 MOTION PASSED**

**The Plan Commission approved Zoning Ordinance Amendment ZORD-2023-0006 which includes Common Council’s February 13, 2024 Amendment on February 19, 2024.**



Benjamin J. Roussel  
Executive Director  
Secretary to the Commission



## DEPARTMENT OF PLANNING SERVICES

Citizens Square  
200 East Berry Street, Suite 150  
Fort Wayne, Indiana 46802

260.449.7607 Office  
260.449.7682 Fax  
[www.allencounty.us/dps](http://www.allencounty.us/dps)



### MEMORANDUM

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To: Fort Wayne Common Council  
From: Department of Planning Services – Sarah Jones; Senior Land Use Planner  
Date: October 18, 2023  
Subject: Introduction – 2023 Fort Wayne Zoning Ordinance Technical Amendment

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This letter serves to inform the Fort Wayne Common Council that the 2023 Fort Wayne Zoning Ordinance Technical Amendment will be heard by the Fort Wayne Plan Commission on November 13<sup>th</sup>, 2023.

The proposed Zoning Ordinance Amendment will subsequently be brought to the Fort Wayne Common Council for discussion and vote.

The purpose of this amendment is to amend multiple sections of the zoning ordinance, to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

Staff would be happy to answer any questions regarding this proposed amendment.

Sarah Jones, AICP  
Senior Planner | Special Projects  
Department of Planning Services

## 2023 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

A summary of the proposed 2023 technical amendments is below; the proposed effective date is January 10<sup>th</sup>, 2024. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances will also be amended.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference AC/FW</b>	<b>Issue</b>	<b>Proposed Amendments</b>
Title 2 Article 3 CP1	Comprehensive Plan AC (5)	A new Comprehensive Plan was adopted by Allen County on March 13, 2023.	Updated reference from Plan-It Allen to All In Allen, updated language to reflect new chapter content, and updated adopted adoption date to March 13, 2023.
SU1	Special Uses AC (14 et al) FW (18 et al)	157.203 (C) et al 3-2-3-3 (a) et al Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.  <i>See Comparison Use Table (page 3)</i>	To allow for Container Homes, a definition for Container Home has been added, and the use has been added as a special use option in the following districts: A1, AR, R1, R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in the MHP districts.
DS1	Development Standards AC (18 et al) FW (21 et al)	There is no lot frontage standard in the residential and agricultural zoning districts.	Added a statement for: Lot width “at front lot line” to clarify the standard for A1, A3, and AR. Added a standard for lot width “(25’ at front lot line)” in the applicable residential zoning districts (R1, R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer (25’) and private sewage disposal (120’).
DS2	Development Standards AC (26)	There is a standard for a side yard, interior lot on public sewer: “7 feet if the lot is less than 150 feet wide”, however lots in the A3 district are not permitted to be less than 150 feet wide.	Deleted this standard.
PU1	Permitted Uses AC (59 et al) FW (64 et al)	“Office, Professional” is not listed as a specific permitted use.  <i>See Comparison Use Table (page 3)</i>	Added “Office, Professional” as a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2 and I3.
DS3	Development Standards AC (63 et al) FW (67 et al)	There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts.	Standard was updated to have one height limit for all primary or accessory buildings or structures.
SUB1	Subdivision Control AC (154)	There is no process for Certificate of Exempt Subdivision in Allen County.	Deleted ‘Certificate of Exempt Subdivision’ item A.C.C. 3-3-3(b)(2)

**Draft Summary of Amendments**

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DDS1	Development Design Standards (lighting) AC (183-184) FW (213)	There is an issue with a “standard” being listed under the “exceptions” section, and an “exception” listed under the “standards” section in the Lighting-Development Design Standards chapter.	Switched the placement of AC 3-4-4-18 (a)(4) with AC 3-4-4-18 (b)(2). • AC 3-4-4-18 (a)(4) “Lighting for outdoor recreational uses such as ...” ( <i>standard</i> ) • AC 3-4-4-18 (b)(2) “Except for the portion of the property adjoining a ...” ( <i>exception</i> )  Did the same with §157.404(R)(1)(d) and §157.404(R)(1)(d) for the Fort Wayne ordinance.
DDS2	Development Design Standards (lighting) AC (184)	It is unclear when uplighting can be permitted.	Added a standard to clarify when uplighting can be permitted: “(2) Uplighting shall be permitted provided the light fixture is directed and shielded so that no light is emitted beyond the building façade.”
DSW1	§157.405(A) Development Standards Waivers and Exceptions FW (225)	There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions.	Updated §157.405(A) to add: “, except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area.”
PRO1	Container Home AC (307 & 314) FW (350 & 356)	157.503(D)(3)(h) 3-5-3-4(c)(9) Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III.	To allow for Container Homes as a special use, additional special use standards and provisions have been added.
DEF1	Board of Zoning Appeals AC (344) FW (388)	The abbreviation BZA is used throughout the ordinance but not defined.	Added the acronym BZA to the definition of Board of Zoning Appeals.
DEF2	Child Care Home AC (348) FW (392)	There is a requirement for a child care home operator to live on a premise where a child care home is permitted.	To allow for flexibility with permitted daycare or child care home uses, changed the definition to state: “the home shall be a primary residence.”
DEF3	Container Home AC (352) FW (396)	157.506 (B) 3-5-6-2 Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.	To allow for Container Homes in certain districts, a definition for Container Home has been added.
DEF4	Day Care, Child AC (354) FW (398)	There is a requirement for a daycare provider to live in the residence where a daycare is permitted.	To allow for flexibility with permitted daycare or child care home uses, changed the definition to state: “the home shall be a primary residence.” and to clarify that the use is “an accessory use to a residential building”.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF5	Plan Commission AC (384) FW (427)	“Plan Commission” and “Commission” and definitions do not point to each other. The abbreviation PC is used throughout the ordinance but not defined.	Added the acronym (PC) and (see “Commission”) to the definition of Plan Commission. Deleted the repeated definition of Plan Commission.
DEF6	Portable Storage Container AC (385) FW (428)	There is confusion regarding what constitutes a portable storage container.	Added “shipping container” to the definition to clarify.
DEF 7	Recycling Processing Facility AC (387) FW (430)	There is confusion over what items constitute recycling materials for a Recycling Processing Facility.	Added: “metal, computer, and electronic equipment,” to the definition.

Draft Summary of Amendments																	
<b>Allen County Comparison Use Table</b>																	
Changes to the Allen County Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:																	

Allen County Permitted Uses	A1	A3	R1	R2	R3	MHS	MHP	C1	C2	NC	SC	C3	C4	BTI	I1	I2	I3
Container Home	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>										
Office, Professional								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

P = Permitted Use  
S = Special Use

Draft Summary of Amendments																		
<b>Fort Wayne Comparison Use Table</b>																		
Changes to the Fort Wayne Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:																		

Fort Wayne Permitted Uses	AR	R1	R2	R3	RP	MHS	MHP	C1	C2	NC	SC	C3	C4	DC	DE	UC	BTI	I1	I2	I3
Container Home	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>								<u>S</u>	<u>S</u>				
Office, Professional								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

P = Permitted Use  
S = Special Use

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Ordinance Amendment  
Case Number(s): ZORD-2023-0006  
Bill Number: G-23-10-21  
Council District: all

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Introduction Date: October 24, 2023

Plan Commission  
Public Hearing Date: November 13, 2023 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance: A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157)  
See attached amendment summary.

Location: Within the planning jurisdiction of Fort Wayne.

Applicant: The Fort Wayne Plan Commission

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

Effect of Passage: This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified with regard  
to the zoning ordinance.

## FACT SHEET

Case #ZORD-2023-0006 Bill # G-23-10-21 Project Start: October 2023

**PROPOSAL:** Amendment to Chapter 157 of the Fort Wayne City Code  
**APPLICANT:** Fort Wayne Plan Commission  
**REQUEST:** To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:  
Section 157.202 (Permitted Uses)  
Section 157.203 through 157.212 (Zoning Districts)  
Section 157.404 (Development Design Standards)  
Section 157.405 (Development Standards Waivers and Exceptions)  
Section 157.503 (Procedures)  
Section 157.506 (Definitions)

**AFFECTED AREA:** City of Fort Wayne planning jurisdiction  
**COUNCIL DISTRICT:** All  
**SPONSOR:** City of Fort Wayne Plan Commission

### **November 13, 2023 Public Hearing**

- No one spoke in support or with concerns.
- Tom Freistroffer, Karen Richards, and Ryan Neumeister were absent.

### **November 20, 2023 Business Meeting**

#### **Plan Commission Recommendation: DO PASS**

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

**8-0 MOTION PASSED**

Fact Sheet Prepared by:  
Karen Couture, Associate Land Use Planner  
November 21, 2023

## **PROJECT SUMMARY**

This public hearing is for the next phase of the ordinance update and alignment project. This project has been ongoing since April of 2009 with the Joint Land Use Governing Board recommendation to the Plan Commissions that initiated the project. The Joint Permitting Oversight Board provided funding to hire Clarion Associates who began work in January 2012.

The fourth phase of the project involved the completion and adoption of the replacement zoning ordinances. The replacement ordinances were heard by both the Allen County and Fort Wayne Plan Commissions in October of 2013; both Plan Commissions recommended approval of the ordinances in November of 2013. In January of 2014 the County Commissioners approved the replacement County ordinance, with amendments. On January 15th of 2014 the County Plan Commission approved the ordinance as amended.

During Clarion's work on the ordinances, the consultant consistently brought up the fact that once the ordinances were adopted and used by the community and by staff, there would be issues that would come up with the language.

That has proven to be the case, as staff has identified issues and items in the following areas:

1. Clarify language that is not clear based on the use of the ordinances; and
2. Address issues that have come up since the effective date of the last technical amendment (9/1/2022).

The proposed amendments are listed in the attached summary; a redlined version of the amendments is on the DPS website. A copy of the redlined version will be distributed at the hearing. The summary shows which pages will be affected in each ordinance. For the most part, these amendments will be made to both the Fort Wayne and Allen County zoning ordinances; the summary indicates which amendments affect only one ordinance. The proposed effective date of these amendments is January 10, 2024.

To maintain alignment with the County and Fort Wayne, the Grabill, Hometown, Monroeville and Woodburn ordinances will also be amended in the near future.

## **PUBLIC HEARING SUMMARY:**

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

Public Comments:

None

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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**ZORD-2023-0006**

**Amendment to Chapter 157 of the Fort Wayne City Code**

APPLICANT: Fort Wayne Plan Commission

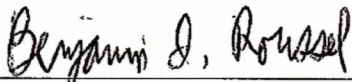
REQUEST: To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:  
Section 157.202 (Permitted Uses)  
Section 157.203 through 157.212 (Zoning Districts)  
Section 157.404 (Development Design Standards)  
Section 157.405 (Development Standards Waivers and Exceptions)  
Section 157.503 (Procedures)  
Section 157.506 (Definitions)

AFFECTED AREA: City of Fort Wayne planning jurisdiction

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**The Plan Commission recommends that Zoning Ordinance Amendment ZORD-2023-0006 be returned to Council with a “Do Pass” recommendation.**

These findings approved by the Fort Wayne Plan Commission on November 20, 2023.



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Benjamin J. Roussel  
Executive Director  
Secretary to the Commission

## 2023 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

A summary of the proposed 2023 technical amendments is below; the proposed effective date is January 10<sup>th</sup>, 2024. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances will also be amended.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference AC/FW</b>	<b>Issue</b>	<b>Proposed Amendments</b>
Title 2 Article 3 CPI	Comprehensive Plan AC (5)	A new Comprehensive Plan was adopted by Allen County on March 13, 2023.	Updated reference from Plan-It Allen to All In Allen, updated language to reflect new chapter content, and updated adopted adoption date to March 13, 2023.
SU1	Special Uses AC (14 et al) FW (18 et al)	157.203 (C) et al 3-2-3-3 (a) et al Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.  <i>See Comparison Use Table (page 3)</i>	To allow for Container Homes, a definition for Container Home has been added, and the use has been added as a special use option in the following districts: A1, AR, R1, R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in the MHP districts.
DS1	Development Standards AC (18 et al) FW (21 et al)	There is no lot frontage standard in the residential and agricultural zoning districts.	Added a statement for: Lot width “at front lot line” to clarify the standard for A1, A3, and AR. Added a standard for lot width “(25’ at front lot line)” in the applicable residential zoning districts (R1, R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer (25’) and private sewage disposal (120’).
DS2	Development Standards AC (26)	There is a standard for a side yard, interior lot on public sewer: “7 feet if the lot is less than 150 feet wide”, however lots in the A3 district are not permitted to be less than 150 feet wide.	Deleted this standard.
PU1	Permitted Uses AC (59 et al) FW (64 et al)	“Office, Professional” is not listed as a specific permitted use.  <i>See Comparison Use Table (page 3)</i>	Added “Office, Professional” as a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2 and I3.
DS3	Development Standards AC (63 et al) FW (67 et al)	There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts.	Standard was updated to have one height limit for all primary or accessory buildings or structures.
SUB1	Subdivision Control AC (154)	There is no process for Certificate of Exempt Subdivision in Allen County.	Deleted ‘Certificate of Exempt Subdivision’ item A.C.C. 3-3-3-3(b)(2)

**Draft Summary of Amendments**

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DDS1	Development Design Standards (lighting) AC (183-184) FW (213)	There is an issue with a “standard” being listed under the “exceptions” section, and an “exception” listed under the “standards” section in the Lighting-Development Design Standards chapter.	Switched the placement of AC 3-4-4-18 (a)(4) with AC 3-4-4-18 (b)(2). • AC 3-4-4-18 (a)(4) “Lighting for outdoor recreational uses such as ...” ( <i>standard</i> ) • AC 3-4-4-18 (b)(2) “Except for the portion of the property adjoining a ...” ( <i>exception</i> )  Did the same with §157.404(R)(1)(d) and §157.404(R)(1)(d) for the Fort Wayne ordinance.
DDS2	Development Design Standards (lighting) AC (184)	It is unclear when uplighting can be permitted.	Added a standard to clarify when uplighting can be permitted: “(2) Uplighting shall be permitted provided the light fixture is directed and shielded so that no light is emitted beyond the building façade.”
DSW1	§157.405(A) Development Standards Waivers and Exceptions FW (225)	There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions.	Updated §157.405(A) to add: “, except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area.”
PRO1	Container Home AC (307 & 314) FW (350 & 356)	157.503(D)(3)(h) 3-5-3-4(c)(9) Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III.	To allow for Container Homes as a special use, additional special use standards and provisions have been added.
DEF1	Board of Zoning Appeals AC (344) FW (388)	The abbreviation BZA is used throughout the ordinance but not defined.	Added the acronym BZA to the definition of Board of Zoning Appeals.
DEF2	Child Care Home AC (348) FW (392)	There is a requirement for a child care home operator to live on a premise where a child care home is permitted.	To allow for flexibility with permitted daycare or child care home uses, changed the definition to state: “the home shall be a primary residence.”
DEF3	Container Home AC (352) FW (396)	157.506 (B) 3-5-6-2 Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.	To allow for Container Homes in certain districts, a definition for Container Home has been added.
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Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
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DEF6	Portable Storage Container AC (385) FW (428)	There is confusion regarding what constitutes a portable storage container.	Added “shipping container” to the definition to clarify.
DEF 7	Recycling Processing Facility AC (387) FW (430)	There is confusion over what items constitute recycling materials for a Recycling Processing Facility.	Added: “metal, computer, and electronic equipment,” to the definition.

**Draft Summary of Amendments**

**Allen County Comparison Use Table**  
Changes to the Allen County Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:

Allen County Permitted Uses	A1	A3	R1	R2	R3	MHS	MHP	C1	C2	NC	SC	C3	C4	BTI	I1	I2	I3
Container Home	S		S	S	S	S	P										
Office, Professional								P	P	P	P	P	P	P	P	P	P

P = Permitted Use  
S = Special Use

**Draft Summary of Amendments**

**Fort Wayne Comparison Use Table**  
Changes to the Fort Wayne Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:

Fort Wayne Permitted Uses	AR	R1	R2	R3	RP	MHS	MHP	C1	C2	NC	SC	C3	C4	DC	DE	UC	BTI	I1	I2	I3
Container Home	S	S	S	S	S	S	P								S	S				
Office, Professional								P	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted Use  
S = Special Use

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**#ZORD-2023-0006**

**BILL NO. G-23-10-21**

**ORDINANCE NO. Z-\_\_\_\_\_**

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

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

SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through  
157.224 (Zoning Districts); Section 157.404 (Development Design Standards); Section  
157.405 (Development Standards Waivers and Exceptions); Section 157.503 (Procedures);  
and Section 157.506 (Definitions) are hereby amended as follows.

Amendment SU1 - 157.203(C) through 157.211(B)

Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III; allow for Container Homes, a definition for Container Home has been added, and the use has been added as a special use option in the following districts: A1, AR, R1, R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in the MHP districts.

Amendment DS1 - 157.203(E) through 157.224(E)

There is no lot frontage standard in the residential and agricultural zoning districts; added a statement for: Lot width "at front lot line" to clarify the standard for A1, A3, and AR. Added a standard for lot width "(25' at front lot line)" in the applicable residential zoning districts (R1, R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer (25') and private sewage disposal (120').

Amendment PU1 - 157.212(B) through 157.224(B)

"Office, Professional" is not listed as a specific permitted use; added "Office, Professional" as a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2 and I3.

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Amendment DS3 - 157.212(E) through 157.224(E)

There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts; standard was updated to have one height limit for all primary or accessory buildings or structures.

Amendment DDS1 - 157.404(R)

There is an issue with a "standard" being listed under the "exceptions" section, and an "exception" listed under the "standards" section in the Lighting-Development Design Standards chapter; switched the placement of §157.404(R)(1)(d) with §157.404(R)(2)(b). §157.404(R)(1)(d) "Lighting for outdoor recreational uses such as ..." ((standard)). §157.404(R)(2)(b) "Except for the portion of the property adjoining a ..." ((exception)).

Amendment DSW1 - 157.405

There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions; updated §157.405(A) to add: ", except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area."

Amendment PRO1 - 157.503(D)(3)(h)

Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III; to allow for Container Homes as a special use, additional special use standards and provisions have been added.

Amendment DEF1 - 157.506(B)

The abbreviation BZA is used throughout the ordinance but not defined; added the acronym BZA to the definition of Board of Zoning Appeals.

Amendment DEF2 - 157.506(B)

There is a requirement for a child care home operator to live on a premise where a child care home is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence."

1 #ZORD-2023-0006

2 BILL NO. G-23-10-21

3  
4 ORDINANCE NO. Z-\_\_\_\_\_

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

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

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10 157.224 (Zoning Districts); Section 157.404 (Development Design Standards); Section  
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15 Home Type III; allow for Container Homes, a definition for Container Home has been added,  
16 and the use has been added as a special use option in the following districts: A1, AR, R1,  
17 R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in  
18 the MHP districts.

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20 There is no lot frontage standard in the residential and agricultural zoning districts; added a  
21 statement for: Lot width "at front lot line" to clarify the standard for A1, A3, and AR. Added a  
22 standard for lot width "(25' at front lot line)" in the applicable residential zoning districts (R1,  
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24 (25') and private sewage disposal (120').

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Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III; to allow for Container Homes as a special use, additional special use standards and provisions have been added.

Amendment DEF1 - 157.506(B)

The abbreviation BZA is used throughout the ordinance but not defined; added the acronym BZA to the definition of Board of Zoning Appeals.

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There is a requirement for a child care home operator to live on a premise where a child care home is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence."

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Amendment DEF5 - 157.506(B)

"Plan Commission" and "Commission" and definitions do not point to each other. The abbreviation PC is used throughout the ordinance but not defined; added the acronym (PC) and (see "Commission") to the definition of Plan Commission. Deleted the repeated definition of Plan Commission.

Amendment DEF6 - 157.506(B)

There is confusion regarding what constitutes a portable storage container; added "shipping container" to the definition to clarify.

Amendment DEF7 - 157.506(B)

There is confusion over what items constitute recycling materials for a Recycling Processing Facility; added: "metal, computer, and electronic equipment," to the definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 10, 2024.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Malak Heiny, City Attorney

City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Ordinance Amendment  
Case Number(s): ZORD-2023-0006  
Bill Number: G-23-10-21  
Council District: all

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Introduction Date: October 24, 2023  
Plan Commission  
Public Hearing Date: November 13, 2023 (not heard by Council)  
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

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Synopsis of Ordinance: A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157)  
See attached amendment summary.

Location: Within the planning jurisdiction of Fort Wayne.

Applicant: The Fort Wayne Plan Commission

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

Effect of Passage: This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

Effect of Non-Passage: The City of Fort Wayne will not address the issues identified with regard to the zoning ordinance.



## DEPARTMENT OF PLANNING SERVICES

Citizens Square  
200 East Berry Street, Suite 150  
Fort Wayne, Indiana 46802

260.449.7607 Office  
260.449.7682 Fax  
[www.allencounty.us/dps](http://www.allencounty.us/dps)



### MEMORANDUM

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To: Fort Wayne Common Council  
From: Department of Planning Services – Sarah Jones; Senior Land Use Planner  
Date: October 18, 2023  
Subject: Introduction – 2023 Fort Wayne Zoning Ordinance Technical Amendment

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This letter serves to inform the Fort Wayne Common Council that the 2023 Fort Wayne Zoning Ordinance Technical Amendment will be heard by the Fort Wayne Plan Commission on November 13<sup>th</sup>, 2023.

The proposed Zoning Ordinance Amendment will subsequently be brought to the Fort Wayne Common Council for discussion and vote.

The purpose of this amendment is to amend multiple sections of the zoning ordinance, to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

Staff would be happy to answer any questions regarding this proposed amendment.

Sarah Jones, AICP  
Senior Planner | Special Projects  
Department of Planning Services

## 2023 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

A summary of the proposed 2023 technical amendments is below; the proposed effective date is January 10<sup>th</sup>, 2024. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances will also be amended.

<b>Draft Summary of Amendments</b>			
<b>No.</b>	<b>Keyword/Reference AC/FW</b>	<b>Issue</b>	<b>Proposed Amendments</b>
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<u>Container Home</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>										
<u>Office, Professional</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

P = Permitted Use  
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Fort Wayne Permitted Uses	AR	R1	R2	R3	RP	MHS	MHP	C1	C2	NC	SC	C3	C4	DC	DE	UC	BTI	I1	I2	I3
<u>Container Home</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>								<u>S</u>	<u>S</u>				
<u>Office, Professional</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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## FACT SHEET

Case #ZORD-2023-0006 Bill # G-23-10-21 Project Start: October 2023

PROPOSAL: Amendment to Chapter 157 of the Fort Wayne City Code  
APPLICANT: Fort Wayne Plan Commission  
REQUEST: To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:  
Section 157.202 (Permitted Uses)  
Section 157.203 through 157.212 (Zoning Districts)  
Section 157.404 (Development Design Standards)  
Section 157.405 (Development Standards Waivers and Exceptions)  
Section 157.503 (Procedures)  
Section 157.506 (Definitions)

AFFECTED AREA: City of Fort Wayne planning jurisdiction  
COUNCIL DISTRICT: All  
SPONSOR: City of Fort Wayne Plan Commission

### **November 13, 2023 Public Hearing**

- No one spoke in support or with concerns.
- Tom Freistroffer, Karen Richards, and Ryan Neumeister were absent.

### **November 20, 2023 Business Meeting**

#### **Plan Commission Recommendation: DO PASS**

A motion was made by Rachel Tobin-Smith and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

**8-0 MOTION PASSED**

Fact Sheet Prepared by:  
Karen Couture, Associate Land Use Planner  
November 21, 2023

## PROJECT SUMMARY

This public hearing is for the next phase of the ordinance update and alignment project. This project has been ongoing since April of 2009 with the Joint Land Use Governing Board recommendation to the Plan Commissions that initiated the project. The Joint Permitting Oversight Board provided funding to hire Clarion Associates who began work in January 2012.

The fourth phase of the project involved the completion and adoption of the replacement zoning ordinances. The replacement ordinances were heard by both the Allen County and Fort Wayne Plan Commissions in October of 2013; both Plan Commissions recommended approval of the ordinances in November of 2013. In January of 2014 the County Commissioners approved the replacement County ordinance, with amendments. On January 15th of 2014 the County Plan Commission approved the ordinance as amended.

During Clarion's work on the ordinances, the consultant consistently brought up the fact that once the ordinances were adopted and used by the community and by staff, there would be issues that would come up with the language.

That has proven to be the case, as staff has identified issues and items in the following areas:

1. Clarify language that is not clear based on the use of the ordinances; and
2. Address issues that have come up since the effective date of the last technical amendment (9/1/2022).

The proposed amendments are listed in the attached summary; a redlined version of the amendments is on the DPS website. A copy of the redlined version will be distributed at the hearing. The summary shows which pages will be affected in each ordinance. For the most part, these amendments will be made to both the Fort Wayne and Allen County zoning ordinances; the summary indicates which amendments affect only one ordinance. The proposed effective date of these amendments is January 10, 2024.

To maintain alignment with the County and Fort Wayne, the Grabill, Hometown, Monroeville and Woodburn ordinances will also be amended in the near future.

## PUBLIC HEARING SUMMARY:

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

Public Comments:

None

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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**ZORD-2023-0006**

**Amendment to Chapter 157 of the Fort Wayne City Code**

APPLICANT: Fort Wayne Plan Commission

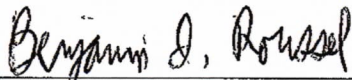
REQUEST: To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections:  
Section 157.202 (Permitted Uses)  
Section 157.203 through 157.212 (Zoning Districts)  
Section 157.404 (Development Design Standards)  
Section 157.405 (Development Standards Waivers and Exceptions)  
Section 157.503 (Procedures)  
Section 157.506 (Definitions)

AFFECTED AREA: City of Fort Wayne planning jurisdiction

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**The Plan Commission recommends that Zoning Ordinance Amendment ZORD-2023-0006 be returned to Council with a “Do Pass” recommendation.**

These findings approved by the Fort Wayne Plan Commission on November 20, 2023.



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Benjamin J. Roussel  
Executive Director  
Secretary to the Commission

## 2023 County and Fort Wayne Zoning Ordinance Technical Amendments Summary

This set of technical amendments is proposed to:

- 1) Clarify language that is not clear based on the use of the ordinances so far; and
- 2) Address issues that have come up since the effective date of the last technical amendment, September 1, 2022.

A summary of the proposed 2023 technical amendments is below; the proposed effective date is January 10<sup>th</sup>, 2024. To maintain alignment with the County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances will also be amended.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
Title 2 Article 3 CPI	Comprehensive Plan AC (5)	A new Comprehensive Plan was adopted by Allen County on March 13, 2023.	Updated reference from Plan-It Allen to All In Allen, updated language to reflect new chapter content, and updated adopted adoption date to March 13, 2023.
SU1	Special Uses AC (14 et al) FW (18 et al)	157.203 (C) et al 3-2-3-3 (a) et al Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.  <i>See Comparison Use Table (page 3)</i>	To allow for Container Homes, a definition for Container Home has been added, and the use has been added as a special use option in the following districts: A1, AR, R1, R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in the MHP districts.
DS1	Development Standards AC (18 et al) FW (21 et al)	There is no lot frontage standard in the residential and agricultural zoning districts.	Added a statement for: Lot width “at front lot line” to clarify the standard for A1, A3, and AR. Added a standard for lot width “(25’ at front lot line)” in the applicable residential zoning districts (R1, R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer (25’) and private sewage disposal (120’).
DS2	Development Standards AC (26)	There is a standard for a side yard, interior lot on public sewer: “7 feet if the lot is less than 150 feet wide”, however lots in the A3 district are not permitted to be less than 150 feet wide.	Deleted this standard.
PU1	Permitted Uses AC (59 et al) FW (64 et al)	“Office, Professional” is not listed as a specific permitted use.  <i>See Comparison Use Table (page 3)</i>	Added “Office, Professional” as a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2 and I3.
DS3	Development Standards AC (63 et al) FW (67 et al)	There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts.	Standard was updated to have one height limit for all primary or accessory buildings or structures.
SUB1	Subdivision Control AC (154)	There is no process for Certificate of Exempt Subdivision in Allen County.	Deleted ‘Certificate of Exempt Subdivision’ item A.C.C. 3-3-3-3(b)(2)

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DDS1	Development Design Standards (lighting) AC (183-184) FW (213)	There is an issue with a “standard” being listed under the “exceptions” section, and an “exception” listed under the “standards” section in the Lighting-Development Design Standards chapter.	Switched the placement of AC 3-4-4-18 (a)(4) with AC 3-4-4-18 (b)(2). <ul style="list-style-type: none"> <li>AC 3-4-4-18 (a)(4) “Lighting for outdoor recreational uses such as ...” (<i>standard</i>)</li> <li>AC 3-4-4-18 (b)(2) “Except for the portion of the property adjoining a ...” (<i>exception</i>)</li> </ul> <p>Did the same with §157.404(R)(1)(d) and §157.404(R)(1)(d) for the Fort Wayne ordinance.</p>
DDS2	Development Design Standards (lighting) AC (184)	It is unclear when uplighting can be permitted.	Added a standard to clarify when uplighting can be permitted: “(2) Uplighting shall be permitted provided the light fixture is directed and shielded so that no light is emitted beyond the building façade.”
DSW1	§157.405(A) Development Standards Waivers and Exceptions FW (225)	There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions.	Updated §157.405(A) to add: “, except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area.”
PRO1	Container Home AC (307 & 314) FW (350 & 356)	157.503(D)(3)(h) 3-5-3-4(c)(9) Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III.	To allow for Container Homes as a special use, additional special use standards and provisions have been added.
DEF1	Board of Zoning Appeals AC (344) FW (388)	The abbreviation BZA is used throughout the ordinance but not defined.	Added the acronym BZA to the definition of Board of Zoning Appeals.
DEF2	Child Care Home AC (348) FW (392)	There is a requirement for a child care home operator to live on a premise where a child care home is permitted.	To allow for flexibility with permitted daycare or child care home uses, changed the definition to state: “the home shall be a primary residence.”
DEF3	Container Home AC (352) FW (396)	157.506 (B) 3-5-6-2 Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III.	To allow for Container Homes in certain districts, a definition for Container Home has been added.
DEF4	Day Care, Child AC (354) FW (398)	There is a requirement for a daycare provider to live in the residence where a daycare is permitted.	To allow for flexibility with permitted daycare or child care home uses, changed the definition to state: “the home shall be a primary residence.” and to clarify that the use is “an accessory use to a residential building”.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF5	Plan Commission AC (384) FW (427)	“Plan Commission” and “Commission” and definitions do not point to each other. The abbreviation PC is used throughout the ordinance but not defined.	Added the acronym (PC) and (see “Commission”) to the definition of Plan Commission. Deleted the repeated definition of Plan Commission.
DEF6	Portable Storage Container AC (385) FW (428)	There is confusion regarding what constitutes a portable storage container.	Added “shipping container” to the definition to clarify.
DEF 7	Recycling Processing Facility AC (387) FW (430)	There is confusion over what items constitute recycling materials for a Recycling Processing Facility.	Added: “metal, computer, and electronic equipment,” to the definition.

Draft Summary of Amendments																	
<b>Allen County Comparison Use Table</b>																	
Changes to the Allen County Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:																	

Allen County Permitted Uses	A1	A3	R1	R2	R3	MHS	MHP	C1	C2	NC	SC	C3	C4	BTI	I1	I2	I3
<u>Container Home</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>										
<u>Office, Professional</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

P = Permitted Use  
S = Special Use

Draft Summary of Amendments																		
<b>Fort Wayne Comparison Use Table</b>																		
Changes to the Fort Wayne Permitted and Special Use provisions shall be made as shown in the Use Comparison Table below:																		

Fort Wayne Permitted Uses	AR	R1	R2	R3	RP	MHS	MHP	C1	C2	NC	SC	C3	C4	DC	DE	UC	BTI	I1	I2	I3
<u>Container Home</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>								<u>S</u>	<u>S</u>				
Office, Professional								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

P = Permitted Use  
S = Special Use

1 **#ZORD-2023-0006**

2 **BILL NO. G-23-10-21**

3  
4 **ORDINANCE NO. Z-\_\_\_\_\_**

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

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

9 SECTION 1. That the current Chapter 157 (Zoning Ordinance), Sections 157.203 through  
10 157.224 (Zoning Districts); Section 157.404 (Development Design Standards); Section  
11 157.405 (Development Standards Waivers and Exceptions); Section 157.503 (Procedures);  
12 and Section 157.506 (Definitions) are hereby amended as follows.

13 Amendment SU1 - 157.203(C) through 157.211(B)

14 Container homes are not a clearly defined use, and are currently treated as a Manufactured  
15 Home Type III; allow for Container Homes, a definition for Container Home has been added,  
16 and the use has been added as a special use option in the following districts: A1, AR, R1,  
17 R2, R3, RP, MHS, DE, and UC. Container Home was added as a specific permitted use in  
18 the MHP districts.

19 Amendment DS1 - 157.203(E) through 157.224(E)

20 There is no lot frontage standard in the residential and agricultural zoning districts; added a  
21 statement for: Lot width "at front lot line" to clarify the standard for A1, A3, and AR. Added a  
22 standard for lot width "(25' at front lot line)" in the applicable residential zoning districts (R1,  
23 R2, R3, RP, and MHS); added standards to clarify the lot width at front line for public sewer  
24 (25') and private sewage disposal (120').

25 Amendment PU1 - 157.212(B) through 157.224(B)

26 "Office, Professional" is not listed as a specific permitted use; added "Office, Professional" as  
27 a specific permitted use in the following districts: C1, C2, NC, SC, C3, C4, UC, BTI, I1, I2  
28 and I3.  
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Amendment DS3 - 157.212(E) through 157.224(E)

There is a difference in height standards for residential and nonresidential buildings in commercial and industrial districts; standard was updated to have one height limit for all primary or accessory buildings or structures.

Amendment DDS1 - 157.404(R)

There is an issue with a "standard" being listed under the "exceptions" section, and an "exception" listed under the "standards" section in the Lighting-Development Design Standards chapter; switched the placement of §157.404(R)(1)(d) with §157.404(R)(2)(b). §157.404(R)(1)(d) "Lighting for outdoor recreational uses such as ..." ((standard)). §157.404(R)(2)(b) "Except for the portion of the property adjoining a ..." ((exception)).

Amendment DSW1 - 157.405

There is a difference between the AC zoning ordinance and the FW ordinance regarding an allowance for permitting a 15 foot rear yard in cases where the yard backs into a common area for Major Subdivisions; updated §157.405(A) to add: ", except that for a Major Subdivision, the Plan Commission may allow a reduced rear yard setback of no less than 15 feet for lots that are adjacent to common area."

Amendment PRO1 - 157.503(D)(3)(h)

Container homes are not a clearly defined use and are currently treated as a Manufactured Home Type III; to allow for Container Homes as a special use, additional special use standards and provisions have been added.

Amendment DEF1 - 157.506(B)

The abbreviation BZA is used throughout the ordinance but not defined; added the acronym BZA to the definition of Board of Zoning Appeals.

Amendment DEF2 - 157.506(B)

There is a requirement for a child care home operator to live on a premise where a child care home is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence."

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Amendment DEF3 - 157.506(B)

Container homes are not a clearly defined use, and are currently treated as a Manufactured Home Type III; to allow for Container Homes in certain districts, a definition for Container Home has been added.

Amendment DEF4 - 157.506(B)

There is a requirement for a daycare provider to live in the residence where a daycare is permitted; to allow for flexibility with permitted daycare or child care home uses, changed the definition to state: "the home shall be a primary residence." and to clarify that the use is "an accessory use to a residential building".

Amendment DEF5 - 157.506(B)

"Plan Commission" and "Commission" and definitions do not point to each other. The abbreviation PC is used throughout the ordinance but not defined; added the acronym (PC) and (see "Commission") to the definition of Plan Commission. Deleted the repeated definition of Plan Commission.

Amendment DEF6 - 157.506(B)

There is confusion regarding what constitutes a portable storage container; added "shipping container" to the definition to clarify.

Amendment DEF7 - 157.506(B)

There is confusion over what items constitute recycling materials for a Recycling Processing Facility; added: "metal, computer, and electronic equipment," to the definition.

SECTION 2. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 10, 2024.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Malak Heiny, City Attorney

**BILL NO. G-23-10-21**

**REPORT OF COMMITTEE ON REGULATIONS  
January 16, 2023**

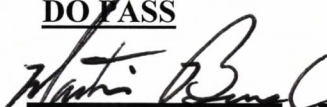


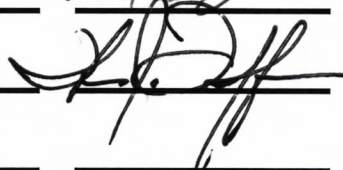

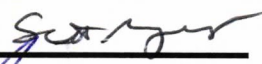
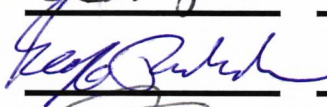

***Michelle Chambers Chair***

***Scott Myers Co-Chair***

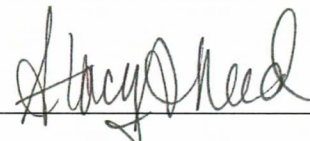
***All Council Members***

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

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>BENDER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

**STACY REED  
DEPUTY CITY CLERK**



Public Hearing Date: N/A

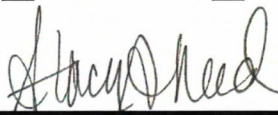
Read the first time in full and on motion by Councilperson Chambers.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Chambers, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: February 13, 2024

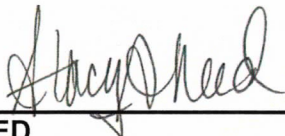


STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. G-23-10-21-AA on the 13th day of February, 2024

ATTEST:

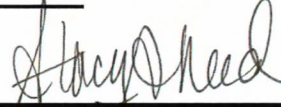


STACY REED  
DEPUTY CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th of February 2024, at the hour of 3:45 o'clock P.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 23<sup>RD</sup> day of FEBRUARY 2024, at the hour of 3:00 o'clock Pm E.S.T.

  
THOMAS C. HENRY, MAYOR