#ZORD-2024-0006

BILL NO. G-24-10-21

ORDINANCE NO. G-20-24

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 157.208 through 157.209 (Zoning Districts), Sections 157.213 through 157.217 (Zoning Districts); Sections 157.221 through 157.223 (Zoning Districts); Section 157.404 (Development Design Standards) are hereby amended as follows.

Amendment DS1 - 157.208(E)(1) and 157.209(E)(1)

Proposed increase of height maximum from 40' to 60' in Multiple Family and Planned Residential zoning districts to align with common development practices of multifamily buildings; Changed " 40' " to " 60' " as the primary building height maximum in the development standards table of the R3 and RP zoning districts.

Amendment DS2 - 157.212(E)(1) to 157.218(E)(1) and 157.221(E)(1) to 157.223(E)(1)

Proposed increase of height maximum to 75' in commercial and industrial zoning districts to align with common development practices of commercial/industrial buildings; Changed " 40' " to " 75' " as the primary building height maximum in the development standards table of the C1, C2, NC, SC, C3, C4, and BTI zoning districts. Changed " 50' " to " 75' " as the primary building height maximum in the development standards table of the I1 and I2 zoning districts.

Amendment DS3 - 157.220(E)(1)

Align height maximum of urban corridor zoning district with the downtown edge zoning district; Changed " 60' " to " 80' " as the primary building height maximum in the development standards table of the UC zoning district.

Amendment DDS1 - 157.404(O)(1)

Additional standards are proposed to mitigate increased height maximums when adjacent to agricultural, residential, and manufactured home districts. Added, "Except DC, DE and UC Zoning Districts, no building sections or structure sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH district property line.

Amendment DDS2 - 157.404(O)(1)

There was confusion related to the use of the word district in the Additional Height Standards section under Residential Impact Mitigation. Changed Additional Height Standards to "No building sections or structure sections exceeding 30 feet in heigh shall be located within 50 feet of an A, R, MH district property line.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Zoning Ordinance Amendment
Case Number:	ZORD-2024-0006
Bill Number:	G-24-10-21
Council District:	all

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

Synopsis of Ordinance:	A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157) – Height Standards. See attached amendment summary.
Location:	Within the planning jurisdiction of Fort Wayne.
Applicant:	The Fort Wayne Plan Commission

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

Effect of Passage:	This height amendment is proposed to implement policies and action steps of the All in Allen Comprehensive Plan, align current zoning district height standards with common development practices and protect neighborhoods from new development through increased residential impact mitigation standards.
Effect of Non-Passage:	The City of Fort Wayne will not address the issues identified in All in Allen Comprehensive Plan with regard to the zoning ordinance.

Department of Planning Services

Memo

To: Fort Wayne Plan Commission

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

Date: 9/11/2024

Subject: Height Amendment Initiation

The Department of Planning Services is requesting the Fort Wayne Plan Commission to initiate the Height Amendment for the Fort Wayne Zoning Ordinance. This Height Amendment is proposed to implement policies and action steps of the All In Allen Comprehensive Plan, align current zoning district height standards with common development practices, and protect neighborhoods from new development through increased residential impact mitigation standards. A height analysis of Plan Commission waivers and Board of Zoning Appeals Development Standard Variances from 2014 to present was performed to create the proposed changes.

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

(E) Development Standards

(1) The standards in the following table shall apply in the R3 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 [1]	
Accessory structures	Total square footage shall be less than the **primary building**	
Number of buildings permitted on a lot		
One primary **residential building** per **lot**		
Multiple primary **nonresidential buildings** are permitted per **lot**		
Height (maximum) [2]		
Accessory building	25′	
Primary building	~~40′~~60′	
Lot area (square feet)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	6,000	3,000
Public sewer (**corner lot**)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	50′ (25′ at **front lot line**)	25′
Public sewer (**corner lot**)	70′	50′
Private sewage disposal	120′	
Front yard [3]		
Platted **lot**	25′ (or platted **building** line setback, whichever is greater)	
Unplatted **lot** if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	115′ from the centerline of the **street** 25′ from the **street right-of-way** 30′ from the **easement**	
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)	
Through lot	At each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot,** then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**	
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)	

(E) Development Standards

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

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 (1)	
Accessory structures	Total square footage shall be less than the **primary building**	
Number of buildings permitted on a lot		
One primary **residential building** per **lot**		
Multiple primary **nonresidential buildings** are permitted per **lot**		
Height (maximum) (2)		
Accessory building	25′	
Primary building	~~40′~~60′	
Lot area (square feet)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	6,000	3,000
Public sewer (**corner lot**)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	50′ (25′ at **front lot line**)	25′
Public sewer (**corner lot**)	70′	50′
Private sewage disposal	120′	
Front yard (3)		
Platted **lot**	25′ (or platted **building** line setback, whichever is greater)	
Unplatted **lot** if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	115′ from the centerline of the **street** 25′ from the **street right-of-way** 30′ from the **easement**	
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)	
Through lot	At each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot,** then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**	
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)	

(E) **Development** Standards

(1) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~40'~~75'
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(F) Development Standards

(1) The standards in the following table shall apply in the C2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~40'~~75'
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(F) Development Standards

(1) The standards in the following table shall apply in the NC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~40'~~75'
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(F) Development Standards

(1) The standards in the following table shall apply in the SC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75'
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(E) Development Standards

(1) The standards in the following table shall apply in the C3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75'
Front yard			
Non-through **lot**			35'
Through lot			35' at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'

Notes:

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

(E) Development Standards

(1) The standards in the following table shall apply in the C4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75'
Front yard			
Non-through **lot**			35'
Through lot			35' at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building or **structure – corner lot street side yard**			25'
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'

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

(E) Development Standards

(1) The standards in the following table shall apply in the UC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

UC URBAN CORRIDOR DEVELOPMENT STANDARDS	
Height (maximum) [1]	
Primary building [2]	~~60'~~80′
Accessory building or **structure** [3]	~~60'~~80′
Front yard	
Primary buildings and **structures** [4]	0′ minimum 10′ maximum
Side yard [4]	
Accessory and primary buildings and structures – interior **side yard**	0′ minimum
Accessory and primary buildings and structures – **corner lot** side **street**	0′ minimum 20′ maximum
Rear yard	
Primary building	25′
Accessory building or **structure**	25′ [4]

Notes:

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

(2) New **primary structures** shall be a minimum of 20′. in height have two occupiable stories

(3) **Accessory structures** shall not exceed 25% of the **ground floor area** of the **primary building**

(4) **Accessory buildings or structures** shall be located on the side of or to the rear of the **primary building** (if located on the side of the **building**, the **accessory building** or **structure** shall be located no closer to the **front lot line** than the **primary building**)

(E) Development Standards

(1) The standards in the following table shall apply in the **BTI district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~40'~~75′
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building or structure – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(E) Development Standards

(1) The standards in the following table shall apply in the I1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~50'~~75'
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building or structure – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(E) Development Standards

(1) The standards in the following table shall apply in the I2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~50'~~75'
Front yard			
Non-through **lot**			25'
Through lot			25' at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing **nonconforming setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'

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

(O) Residential Impact Mitigation

All development must comply with the landscaping, screening, and buffering requirements in §157.408. To provide additional buffering and mitigation for residential uses, if proposed development on a lot or parcel adjacent to an AR, R1, R2, R3, RP, MHS, or MHP zoning district includes development other than a single family or two family dwelling, the plan shall comply with the following additional standards.

(1) Additional Height Standards

(a) No ~~primary~~ **building**s sections or **structure**s sections exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district property line.**

~~(a)~~(b) Except DC, DE and UC Zoning Districts, no **building** sections or **structure** sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH **district property line.**

(2) Landscaping, Screening and Buffering

(a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and **drive-through** lanes shall meet the minimum **primary building setback**.

(b) If the **mitigation** requirements of this §157.404(O) conflict with the screening and buffering requirements of §157.408, the standard requiring more screening and buffering shall apply.

(P) Sanitary Sewer

Public sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development; for primary plats and Development Plans, evidence that public sanitary sewer is available and has adequate capacity to serve the development shall be provided.

(Q) Signs

All development shall comply with the sign regulations applicable to that zoning district and type of development as set forth in §157.409.

(R) Site Lighting

Exterior lighting for all development other than single family and two family dwellings shall comply with the standards in subsection (2) below unless exempted pursuant to subsection (1) below.

(1) Exceptions

The following types of lighting are not subject to the requirements of this §157.404(R):

(a) Public street and right-of-way lighting;

(b) Lighting required and regulated by the **Federal Aviation Administration**;

(c) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **City** ordinance, requires special lighting aesthetics as part of its physical character;

(d) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**;

(e) Temporary decorative seasonal lighting;

FACT SHEET

Case #ZORD-2024-0006	Bill # G-24-10-21	Project Start: October 2024

PROPOSAL:	Petition ZORD-2024-0006, Amendments to Section 157 of Fort Wayne Code – Height Standards
APPLICANT:	Fort Wayne Plan Commission
REQUEST:	To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections: Section 157.200 (Zoning Districts) Section 157.400 (Additional General Standards)
AFFECTED AREA:	Fort Wayne planning jurisdiction
COUNCIL DISTRICT:	All
SPONSOR:	City of Fort Wayne Plan Commission

November 4, 2024 Public Hearing

- No one spoke in support or with concerns.
- Rachel Tobin-Smith, Paul Sauerteig, and Amos Norman were absent.

November 18, 2024 Business Meeting
Plan Commission Recommendation: DO PASS
A motion was made by Paul Sauerteig and seconded by Karen Richards to return the ordinance with a Do Pass recommendation to Common Council for their final decision.
9-0 MOTION PASSED

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
December 2, 2024

PROJECT SUMMARY

This public hearing is to increase the maximum height of certain zoning districts to align with current common development practices and to protect neighborhoods from new potentially taller development. A height analysis of Plan Commission waivers and Board of Zoning Appeals Development Standard Variances from 2014 to present was performed to create the proposed changes.

This set of Height amendments is proposed to:

1) Implement policies and action steps of the All In Allen Comprehensive Plan.
2) Align current zoning district height standards with common development practices.
3) Protect neighborhoods from new development through increased residential impact mitigation standards.

A summary of the proposed 2024 Height amendments is attached; the proposed effective date is March 1, 2025. To maintain alignment with Allen County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances may also be amended.

PUBLIC HEARING SUMMARY:

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

Public Comments:
None

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

ZORD-2024-0006 – Height Standards
Amendment to Chapter 157 of the Fort Wayne City Code

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

The Plan Commission recommends that Zoning Ordinance Amendment ZORD-2024-0006 be returned to Council with a "Do Pass" recommendation.

These findings approved by the Fort Wayne Plan Commission on November 18, 2024.

Benjamin J. Roussel
Executive Director
Secretary to the Commission

2024 Allen County and Fort Wayne Zoning Ordinance

Height Amendments Summary

This set of Height amendments is proposed to:

1) Implement policies and action steps of the All In Allen Comprehensive Plan.
2) Align current zoning district height standards with common development practices.
3) Protect neighborhoods from new development through increased residential impact mitigation standards.

A summary of the proposed 2024 Height amendments is below; the proposed effective date is March 1, 2025. To maintain alignment with Allen County and Fort Wayne, the Grabill, Huntertown, Monroeville and Woodburn ordinances may also be amended.

A height analysis of Plan Commission waivers and Board of Zoning Appeals Development Standard Variances from 2014 to present was performed to create the proposed changes.

Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
DS 1	Development Standards FW (41 and 49) AC (45)	157.208 (E) (1) / 3-2-8-5 (a) Proposed increase of height maximum from 40' to 60' in Multiple Family and Planned residential zoning districts to align with common development practices of multi family buildings.	Changed " 40' " to " 60' " as the primary building height maximum in the development standards table of the R3 and RP zoning districts.
DS 2	Development Standards FW (67 et al) AC (62 et al)	157.212 (E) (1) / 3-2-12-5 (a) Proposed increase of height maximum to 75' in commercial and industrial zoning districts to align with common development practices of commercial/industrial buildings.	Changed " 40' " to " 75' " as the primary building height maximum in the development standards table of the C1, C2, NC, SC, C3, C4, and BTI zoning districts. Changed " 50' " to " 75' " as the primary building height maximum in the development standards table of the I1 and I2 zoning districts.
DS 3	Development Standards FW (134l)	157.220 (E) (1) Align height maximum of urban corridor zoning district with the downtown edge zoning district.	Changed " 60' " to " 80' " as the primary building height maximum in the development standards table of the UC zoning district.
DDS 1	Development Design Standards FW (213) AC (182)	157.404 (O) (1)/3-4-4-15 (a) There was confusion related to the use of the word **district** in the Additional Height Standards section under Residential Impact Mitigation.	Changed Additional Height Standards to "No **building** sections or **structure** sections exceeding 30 feet in heigh shall be located within 50 feet of an A, R, MH **district property line**."

Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
DDS 2	Development Design Standards FW (213)	157.404 (O) (1) Additional standards are proposed to mitigate increased height maximums when adjacent to agricultural, residential, and manufactured home districts.	Added, "Except DC, DE and UC Zoning Districts, no **building** sections or **structure** sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH **district property line**.
DDS 3	Development Design Standards AC (182)	3-4-4-15 (a) Additional standards are proposed to mitigate increased height maximums when adjacent to agricultural, residential, and manufactured home districts.	Added, "No **building** sections or **structure** sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH **district property line**.

(E) Development Standards

(1) The standards in the following table shall apply in the R3 **district**; all standards are minimum standards unless otherwise noted (the table continues onto the next page).

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 [1]	
Accessory structures	Total square footage shall be less than the **primary building**	
Number of buildings permitted on a lot		
One primary **residential building** per **lot**		
Multiple primary **nonresidential buildings** are permitted per **lot**		
Height (maximum) [2]		
Accessory building	25′	
Primary building	~~40′~~60′	
Lot area (square feet)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	6,000	3,000
Public sewer (**corner lot**)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	50′ (25′ at **front lot line**)	25′
Public sewer (**corner lot**)	70′	50′
Private sewage disposal	120′	
Front yard [3]		
Platted **lot**	25′ (or platted **building** line setback, whichever is greater)	
Unplatted **lot** if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	115′ from the centerline of the **street** 25′ from the **street right-of-way** 30′ from the **easement**	
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)	
Through lot	At each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot,** then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**	
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)	

(E) Development Standards

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

RP PLANNED RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 (1)	
Accessory structures	Total square footage shall be less than the **primary building**	
Number of buildings permitted on a lot		
One primary **residential building** per **lot**		
Multiple primary **nonresidential buildings** are permitted per **lot**		
Height (maximum) (2)		
Accessory building	25′	
Primary building	~~40′~~60′	
Lot area (square feet)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	6,000	3,000
Public sewer (**corner lot**)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	**Attached Single Family Dwelling**
Public sewer (**interior lot**)	50′ (25′ at **front lot line**)	25′
Public sewer (**corner lot**)	70′	50′
Private sewage disposal	120′	
Front yard (3)		
Platted **lot**	25′ (or platted **building** line setback, whichever is greater)	
Unplatted **lot** if **adjacent** to: **Arterial/collector street** **Local** or **private street** PC-approved **easement**	115′ from the centerline of the **street** 25′ from the **street right-of-way** 30′ from the **easement**	
Flag Lot	30′ **Flag lots** shall have two (2) required front yards (see definition of **lot line, front**)	
Through lot	At each end of the **lot**, based on the **street** classification/type the **yard** is **adjacent** to, except that: • If no access is permitted to the rear of the **lot,** then a detached **accessory structure** shall be permitted as set forth below, and a **fence** shall be permitted with no **setback**; or • If access is permitted to the rear of the **lot**, then a detached **accessory structure** shall be permitted with a 10′ **setback** and a **fence** shall be permitted with a 5′ **setback**	
If there is an existing residence on an **adjacent parcel** on the same side of the **street** with a nonconforming front **setback**, and the existing residence is within 300′ of the proposed residence	The minimum **front yard** shall be the smallest existing nonconforming **setback** on the **adjacent parcel**(s)	

(E) **Development** Standards

(1) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~40'~~75′
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(F) Development Standards

(1) The standards in the following table shall apply in the C2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~40'~~75'
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(F) Development Standards

(1) The standards in the following table shall apply in the NC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~40'~~75′
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(F) Development Standards

(1) The standards in the following table shall apply in the SC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75′
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(E) Development Standards

(1) The standards in the following table shall apply in the C3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75'
Front yard			
Non-through **lot**			35′
Through lot			35′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(E) Development Standards

(1) The standards in the following table shall apply in the C4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building or structure**			~~40'~~75'
Front yard			
Non-through **lot**			35′
Through lot			35′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	25′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – **corner lot street side yard**			25′
Accessory building or **structure** – **corner lot street side yard**			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		40′	10′
Over 30′		50′	40′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

Notes:

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

(E) Development Standards

(1) The standards in the following table shall apply in the UC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

UC URBAN CORRIDOR DEVELOPMENT STANDARDS	
Height (maximum) [1]	
Primary building [2]	~~60'~~80′
Accessory building or **structure** [3]	~~60'~~80′
Front yard	
Primary buildings and **structures** [4]	0′ minimum 10′ maximum
Side yard [4]	
Accessory and primary buildings and structures – interior **side yard**	0′ minimum
Accessory and primary buildings and structures – **corner lot** side **street**	0′ minimum 20′ maximum
Rear yard	
Primary building	25′
Accessory building or **structure**	25′ [4]

Notes:

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

(2) New **primary structures** shall be a minimum of 20′. in height have two occupiable stories

(3) **Accessory structures** shall not exceed 25% of the **ground floor area** of the **primary building**

(4) **Accessory buildings or structures** shall be located on the side of or to the rear of the **primary building** (if located on the side of the **building**, the **accessory building** or **structure** shall be located no closer to the **front lot line** than the **primary building**)

(E) Development Standards

(1) The standards in the following table shall apply in the **BTI district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~40'~~75'
Front yard			
Non-through **lot**			50′
Through lot			50′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building or structure – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(E) Development Standards

(1) The standards in the following table shall apply in the I1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or accessory **building** or **structure**			~~50'~~75'
Front yard			
Non-through **lot**			25'
Through lot			25' at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing nonconforming **setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'

Notes:

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

(E) Development Standards

(1) The standards in the following table shall apply in the I2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) [1]			
Primary or **accessory building** or **structure**			~~50'~~75'
Front yard			
Non-through **lot**			25′
Through lot			25′ at each end of the **lot**
If there is an existing primary commercial or industrial **building**(s) with a lesser front **setback adjacent** to the **lot**			A new **primary building** or an **addition** to an existing **primary building** may meet the smallest existing **nonconforming setback**
Side yard (interior lot)			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	25′	25′
Side yard (corner lot)			
Primary building – corner lot street side yard			25′
Accessory building or structure – corner lot street side yard			25′
Rear yard			
Primary building			
Height		If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 30′		25′	10′
Over 30′		50′	25′
Accessory building or structure			
Height	Size	If **adjacent** to a **residential district**	If not **adjacent** to a **residential district**
Up to 25′ and	Up to 200 sq. ft.	25′	5′
Over 25′ or	Over 200 sq. ft.	40′	25′

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

(O) Residential Impact Mitigation

All development must comply with the landscaping, screening, and buffering requirements in §157.408. To provide additional buffering and mitigation for residential uses, if proposed development on a lot or parcel adjacent to an AR, R1, R2, R3, RP, MHS, or MHP zoning district includes development other than a single family or two family dwelling, the plan shall comply with the following additional standards.

(1) Additional Height Standards

(a) No ~~primary~~ **building**s sections or **structure**s sections exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district property line.**

~~(a)~~(b) Except DC, DE and UC Zoning Districts, no **building** sections or **structure** sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH **district property line.**

(2) Landscaping, Screening and Buffering

(a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and **drive-through** lanes shall meet the minimum **primary building setback**.

(b) If the **mitigation** requirements of this §157.404(O) conflict with the screening and buffering requirements of §157.408, the standard requiring more screening and buffering shall apply.

(P) Sanitary Sewer

Public sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development; for primary plats and Development Plans, evidence that public sanitary sewer is available and has adequate capacity to serve the development shall be provided.

(Q) Signs

All development shall comply with the sign regulations applicable to that zoning district and type of development as set forth in §157.409.

(R) Site Lighting

Exterior lighting for all development other than single family and two family dwellings shall comply with the standards in subsection (2) below unless exempted pursuant to subsection (1) below.

(1) Exceptions

The following types of lighting are not subject to the requirements of this §157.404(R):

(a) Public street and right-of-way lighting;

(b) Lighting required and regulated by the **Federal Aviation Administration**;

(c) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **City** ordinance, requires special lighting aesthetics as part of its physical character;

(d) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**;

(e) Temporary decorative seasonal lighting;

#ZORD-2024-0006

BILL NO. G-24-10-21

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 157.208 through 157.209 (Zoning Districts), Sections 157.213 through 157.217 (Zoning Districts); Sections 157.221 through 157.223 (Zoning Districts); Section 157.404 (Development Design Standards) are hereby amended as follows.

Amendment DS1 - 157.208(E)(1) and 157.209(E)(1)

Proposed increase of height maximum from 40' to 60' in Multiple Family and Planned Residential zoning districts to align with common development practices of multifamily buildings; Changed " 40' " to " 60' " as the primary building height maximum in the development standards table of the R3 and RP zoning districts.

Amendment DS2 - 157.212(E)(1) to 157.218(E)(1) and 157.221(E)(1) to 157.223(E)(1)

Proposed increase of height maximum to 75' in commercial and industrial zoning districts to align with common development practices of commercial/industrial buildings; Changed " 40' " to " 75' " as the primary building height maximum in the development standards table of the C1, C2, NC, SC, C3, C4, and BTI zoning districts. Changed " 50' " to " 75' " as the primary building height maximum in the development standards table of the I1 and I2 zoning districts.

Amendment DS3 - 157.220(E)(1)

Align height maximum of urban corridor zoning district with the downtown edge zoning district; Changed " 60' " to " 80' " as the primary building height maximum in the development standards table of the UC zoning district.

Amendment DDS1 - 157.404(O)(1)

Additional standards are proposed to mitigate increased height maximums when adjacent to agricultural, residential, and manufactured home districts. Added, "Except DC, DE and UC Zoning Districts, no building sections or structure sections exceeding 60 feet in height shall be located within 100 feet of the A, R, or MH district property line.

Amendment DDS2 - 157.404(O)(1)

There was confusion related to the use of the word district in the Additional Height Standards section under Residential Impact Mitigation. Changed Additional Height Standards to "No building sections or structure sections exceeding 30 feet in heigh shall be located within 50 feet of an A, R, MH district property line.

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

_____
Council Member

APPROVED AS TO FORM AND LEGALITY:

_____
Malak Heiny, City Attorney

BILL NO. G-24-10-21

REPORT OF COMMITTEE ON REGULATIONS
December 17, 2024

Scott Myers Chair

Michelle Chambers Co-Chair

All Council Members

An Ordinance amending Chapter 157 of the City of Fort Wayne Municipal Code
A proposal to amend the Fort Wayne Zoning Ordinance (Chapter 157) – Height Standards

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

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

LANA R. KEESLING
CITY CLERK

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

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

DATED: December 17, 2024

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-24-10-21 on the 17th day of December , 2024

ATTEST:

Lana R. Keesling

LANA R. KEESLING
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th of December 2024, at the hour of 2:15 o'clock P.M. E.S.T.

Lana R. Keesling

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 20th day of December 2024, at the hour of 11:23 o'clock A.M. E.S.T.

FORT WAYNE, INDIANA
RECEIVED
DEC 20 2024
LANA R. KEESLING
CITY CLERK

SHARON TUCKER, MAYOR