#ZORD- 2026-0008

BILL NO. G-26-09-25

ORDINANCE NO. G-22-26

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. Savings Clause; Limited Survival for Previously Issued Notices of Violation.

a) Definitions.

1. "Effective Date" means January 1, 2027 which is the effective of Fort Wayne City Code Chapter 54.
2. "Preserved Notice" means a written notice of violation, citation, stop-work order, cease-and-desist order, or order to remedy that was issued and served by the Department of Planning Services and/or the City of Fort Wayne Zoning Administrator under Fort Wayne City Code Chapter 157.412 before the Effective Date, and that remains unresolved on the Effective Date. A Preserved Notice includes all proceedings arising from it, including administrative hearings and appeals, judicial review, civil actions, liens, and proceedings to collect any fine, penalty, judgment, or cost.

b) Limited Survival.

Notwithstanding the repeal effected by Fort Wayne City Code Chapter 54 as it existed immediately before the Effective Date Fort Wayne City Code Chapter 157.412 remains in effect for the sole and limited purpose of concluding each Preserved Notice. Each Preserved Notice shall be adjudicated and enforced under the standards, procedures, remedies, and penalties of Fort Wayne City Code Chapter 157.412 as though it had not been repealed.

c) Scope of retained authority.

With respect to Preserved Notices only, the Department of Planning Services, the City of Fort Wayne Zoning Administrator, the Fort Wayne Plan Commission, the Fort Wayne Board of Zoning Appeals, and/or the Fort Wayne City Attorney shall retain authority to prosecute, defend, hear, adjudicate, compromise, settle, withdraw, or dismiss the matter; to conduct inspections necessary to determine compliance with the Preserved Notice; to verify abatement and close the matter; and to assess, reduce, and collect fines, penalties, fees, and costs accrued under the Preserved Notice. An administrative appeal of a Preserved Notice shall be heard and decided under the procedures in effect when the Preserve Notice was issued.

d) Limitation on authority.

On and after the Effective Date, the Department of Planning Services and/or the Zoning Administrator shall not issue any new, amended, supplemental, or successive notice of violation, citation, or order under Fort Wayne City Code Chapter 157.412, whether for the conduct or condition underlying a Preserved Notice or otherwise. Authority to initiate any new enforcement action concerning any floodplain regulation rests exclusively with the Floodplain Administrator under Fort Wayne City Code Chapter 54.

e) Cutoff of accrual.

Any per-day or continuing fine or penalty accruing under a Preserved Notice ceases to accrue as of the Effective Date. Penalties accrued through the Effective Date remain due, collectible, and enforceable. New conduct or conditions occurring on or after the Effective Date may only be subject to a new notice of violation issued under Fort Wayne City Code Chapter 54.

f) No abatement of accrued rights or liabilities.

The repeal does not abate, impair, discharge, or affect any Preserved Notice, or any violation, fine, penalty, forfeiture, lien, judgment, or liability accrued before the Effective Date; does not affect the validity or enforceability of any permit, variance, or approval issued under Fort Wayne City Code Chapter 157.412 or any condition attached to it; and does not revive any ordinance previously repealed.

g) Schedule of Preserved Notices.

The Zoning Administrator shall, within fifteen (15) days after the Effective Date, prepare and file with the Floodplain Administrator under Fort Wayne City Code Chapter 54 a schedule identifying each Preserved Notice by address, parcel number, respondent, date of issuance, and procedural posture. The schedule is evidence of, but not a condition of, the survival of a Preserved Notice under this Section; the inadvertent omission of a notice from the schedule does not impair its enforceability.

h) Expiration.

This Section expires by its own terms, without further action of the Fort Wayne Common Council, upon the conclusion of the last Preserved Notice, or three (3) years after the Effective Date, whichever occurs first.

SECTION 2. That the current Chapter 157, Section 157.100 (General Provisions); Section 157.400 (Additional General Standards); Section 157.500 (Administration) are hereby amended as follows.

Amendment OD 1 - §157.113
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "the Floodplain regulations"

Amendment AGS 1 - §157.401
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "and floodplain management"

Amendment DDS 1 - §157.404 (H)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed reference to existing location of floodplain management regulations and added "managed by the Fort Wayne City Utilities Department"

Amendment DDS 2 - §157.404 (W) (6)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "§157.412 (Floodplain)"

Amendment FP 1 - §157.412
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced entire Floodplain section with "Reserved"

Amendment PRO 1 - §157.503 (D) (1)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "Flood control improvement project/non-permitted fill, private" from the Special Uses table

Amendment DEF 1 §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed all referenced floodplain definition terms.

Amendment DEF 2 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "For the purposes of the floodplain regulations, adjacent shall mean "adjoining"" from the definition of adjacent

Amendment DEF 3 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "management" from the definition of Common Area

Amendment DEF 4 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Flood

Amendment DEF 5 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Floodplain

Amendment DEF 6 - §157.506

Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore added "Floodplain management regulations are managed by the Fort Wayne City Utilities Department" as the definition of Floodplain Management Regulations

Amendment DEF 7 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore added "A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use." as the definition of Recreational Vehicle

SECTION 3. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 1, 2027.

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- 2026-0008
Bill Number:	G-26-09-25
Council District:	All

Introduction Date:	September 22, 2026
Plan Commission Public Hearing Date:	October 12, 2026 (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:	Remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU)
Location:	Fort Wayne Planning Jurisdiction
Applicant:	Department of Planning Services

Related Petitions:	N/A

Effect of Passage:	This set of amendments is proposed to: To realign duties between Departments for more efficient government procedures; and remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU)
Effect of Non-Passage:	The Department of Planning Services (DPS) will continue Fort Wayne Floodplain Administrator duties and inefficient government procedures will continue.

DRAFT Fort Wayne Zoning Ordinance

Floodplain Amendments Summary

This set of Floodplain amendments is proposed to:

1) Realign duties between Departments for more efficient government procedures; and
2) Remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU).

A summary of the proposed 2026 Floodplain amendments are below; the proposed effective date is January 1, 2027.

Draft Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
TOC 1	Table of Contents FW (3)	Remove Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Floodplain Administrator duties to Fort Wayne City Utilities (FWCU).	Replaced "Floodplain" with "Reserved"
OD 1	Overlay Districts FW (6)	§157.113 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "the Floodplain regulations"
AGS 1	Additional General Standards FW (197)	§157.401 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "and floodplain management"
DDS 1	Development Design Standards FW (209)	§157.404 (H) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed reference to existing location of floodplain management regulations and added "managed by the Fort Wayne City Utilities Department"
DDS 2	Development Design Standards FW (217)	§157.404 (W) (6) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "§157.412 (Floodplain)"
FP 1	Floodplain FW (295-329)	§157.412 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced entire Floodplain section with "Reserved"
PRO 1	Procedures FW (355)	§157.503 (D) (1) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "Flood control improvement project/non-permitted fill, private" from the Special Uses table

Draft Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
DEF 1	Definitions FW (382-457)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed all referenced floodplain definition terms.
DEF 2	Definitions FW (383)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "For the purposes of the floodplain regulations, adjacent shall mean "adjoining"" from the definition of adjacent.
DEF 3	Definitions FW (402)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "management" from the definition of Common Area.
DEF 4	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Flood.
DEF 5	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Floodplain.
DEF 6	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Added "Floodplain management regulations are managed by the Fort Wayne City Utilities Department" as the definition of Floodplain Management Regulations.
DEF 7	Definitions FW (437)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Added "A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use." as the definition of Recreational Vehicle.

§ 157.111 INTERPRETATION

In cases where the provisions of this ordinance require interpretation, the interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission**, **Board of Zoning Appeals**, definitions used in State or Federal law, or other **Department of Planning Services** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

§ 157.112 MINIMUM REQUIREMENTS

Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **City**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **City**.

§ 157.113 OVERLAY DISTRICTS

This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource. Overlay **districts** shall include the **Airport Overlay Districts**, ~~the Floodplain regulations,~~ and the **Riverfront Overlay District**.

§ 157.114 RELATION TO PLANS

In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

§ 157.115 RELATION TO OTHER LAWS AND REGULATIONS

(A) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.

(B) This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

(C) Reasonable accommodations or modifications to this ordinance may be approved as necessary to comply with the federal **Fair Housing Amendments Act of 1988** or the Americans with Disabilities Act of 1991, pursuant to §157.502(A)(2)(d).

ADDITIONAL GENERAL STANDARDS

§ 157.401 PURPOSE

The purpose of this chapter is to provide updated and aligned additional standards, requirements, and provisions for **accessory structures** and **uses**, **temporary structures** and **uses**, **development design standards**, **development** standards **waivers** and exceptions, **home occupations**, parking, landscape standards, **signs,** and **Airport Overlay Districts**, ~~and floodplain management,~~ along with a cross-reference to the existing Historic Preservation regulations.

(C) Compliance

All proposed development shall be in conformance with the applicable development design standards. Compliance shall be determined by the DPS staff in the case of zoning ordinance standards, and by the applicable reviewing agency staff in the case of non-zoning ordinance standards. Copies of required application materials, applicable fees, and non-zoning ordinance standards are available from DPS staff.

(D) Access

(1) General Standards

Complete access and traffic management facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development.

(2) Additional Standards for **Major Subdivisions**

(a) Each residential **lot** in the **Major Subdivision** shall have direct access to an existing, publicly maintained **street** by way of a platted **public street**, but no residential **lot** may directly access an **arterial street**.

(b) Each residential **lot** in the **Major Subdivision** shall front upon and have at least the minimum required **frontage** on a dedicated **public street** of sufficient width and improvement to meet the applicable agency standards and specifications.

(c) Each **Major Subdivision** shall have at least one point of connection between its internal **street** system and an adjoining **arterial, collector, or local street** for every one hundred (100) residential **lots**, or part thereof, located in the **Major Subdivision**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** shall be considered together.

(3) Additional Standards for **Minor Subdivisions**

Each **Minor Subdivision lot** shall have **frontage** on an existing improved non-arterial **street**.

(E) Airport Overlay Districts

All development proposals shall also be subject to the applicable provisions of the Airport Overlay Districts as set forth in §157.411.

(F) Block Layout

In Major Subdivisions, blocks shall be of sufficient dimension to allow two (2) tiers of lots of at least the minimum depth required by the zoning district in which the lots are located.

(G) Easements

Easements shall be provided as required by the applicable reviewing agency for utility lines, storm water drainage facilities, and pedestrian access. Easements shall be designed and laid out so that adequate utility service and storm drainage can be provided, and proper continuity exists between areas, uses, structures, **parcel**s, and developments. Easement widths and locations shall be shown.

(H) Floodplain

All proposed buildings, structures, and site development located within a Special Flood Hazard Area shall also comply with the **floodplain management regulations** ~~as set forth in §157.412~~ managed by the Fort Wayne City Utilities Department.

All **development** shall comply with the applicable **lot** area and **lot width** standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(5) **Yard** Requirements

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in §157.206-224.

(6) Zoning Overlay **Districts**

All **development** proposals shall also be subject to all applicable provisions of Zoning Overlay **districts** including but not limited to the provisions of §157.410 (**Riverfront Overlay District** Standards), §157.411 (**Airport Overlay Districts**), ~~§157.412 (Floodplain),~~ and §157.413 (Historic Preservation).

(X) Design Standards (DC and DE)

(1) Purpose

The purpose of including **design standards** as part of Development Plan and Site Plan Review and certain other **development** proposals is to:

(a) Implement the design-based recommendations of the All In Allen **Comprehensive Plan**, the Downtown Fort Wayne Action Plan: Blueprint for the Future and the Riverfront Development Implementation Framework.

(b) Preserve and enhance the unique character of the community, including the Downtown area, by maintaining the integrity of areas with special significance;

(c) Foster attractive and functional design solutions;

(d) Protect and encourage public and private investments;

(e) Encourage new **development** and re**development** which is compatible with the character and pattern of existing **development**; and

(f) Provide design direction to property **owners**, **developers**, designers, and decision-makers.

(2) Design Review Process and Applicability

The Plan **Commission** has established a **Design Review Committee (DRC)** for conducting reviews, making recommendations, or taking action on **development** proposals in the DC and DE **zoning districts**, including the Riverfront Overlay District. All **Commission** and **Board** reviewed projects in the DC and DE **districts**, including the Riverfront Overlay District, shall also be reviewed in terms of the recommendations of the **Downtown Design Manual** and the **DRC**, except that projects located within local **historic districts** shall not be subject to design review. It is intended that the design review process generally take place as set forth in the table below.

This section shall be applicable to the following **development** proposals in the DC and DE **districts**, including the **Riverfront Overlay District**, as listed in the Project Type column within the table below:

§ 157.412 RESERVED~~FLOODPLAIN~~

~~(A) Statutory Authorization, Findings of Fact, Purpose, and Methods~~

~~(1) Statutory Authorization~~

~~The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Fort Wayne does hereby adopt the following **floodplain management regulations**.~~

~~(2) Findings of Fact~~

~~The **flood hazard areas** of the City of Fort Wayne are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **flood** protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, **structures** that are inadequately elevated, floodproofed, or otherwise protected from **flood** damage also contribute to the **flood** loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.~~

~~(3) Statement of Purpose~~

~~It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to **flood** conditions in specific areas by provisions designed to:~~

~~(a) Protect human life and health;~~

~~(b) Minimize expenditure of public money for costly **flood** control projects;~~

~~(c) Minimize the need for rescue and relief efforts associated with **flooding** and generally undertaken at the expense of the general public;~~

~~(d) Minimize prolonged business interruptions;~~

~~(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in **floodplains**;~~

~~(f) Help maintain a stable tax base by providing for the sound use and **development** of **flood prone areas** in such a manner as to minimize **flood** blight area;~~

~~(g) Ensure that those who occupy the areas of special **flood** hazard assume responsibility for their actions;~~

~~(h) Minimize the impact of **development** on adjacent properties within and near **flood prone areas**;~~

~~(i) Ensure that the **flood** storage and conveyance functions of the **floodplain** are maintained;~~

~~(j) Minimize the impact of **development** on the natural, beneficial values of the **floodplain**;~~

~~(k) Prevent **floodplain** uses that are either hazardous or environmentally incompatible; and~~

~~(l) Meet **community** participation requirements of the National **Flood** Insurance Program~~

(4) Methods of Reducing **Flood** Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in **flood** heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against **flood** damage at the time of initial construction;

(c) Controlling the alteration of natural **floodplains**, stream channels, and natural protective barriers, which help accommodate or channel **flood** waters;

(d) Controlling filling, grading, dredging, excavating, and other **development** which may increase **flood** damage; and

(e) Preventing or regulating the construction of **flood** barriers, which will unnaturally divert floodwaters, or which may increase **flood** hazards in other areas.

(B) Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them meaning they have in common usage and to give this section its most reasonable application. The definitions listed below shall only apply to this section.

Alteration of a Watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the **base flood**.

Accessory Structure

Accessory structure with a floor area of 400 square feet or less that is on the same **parcel** of property as a principal **structure** and the use of which is incidental to the use of the principal **structure**; an **accessory structure** specifically excludes **structures** used for human habitation.

(1) **Accessory structures** are considered **walled and roofed** where the **structure** includes at least two outside rigid walls and a fully secured roof.

(2) Examples of **accessory structures** include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

(3) The following may have uses that are incidental or accessory to the principal **structure** on a **parcel** but are generally not considered to be **accessory structures** by the NFIP:

(a) **Structures** in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same **parcel** as a principal residence;

(b) **Structures** used by the public, such as a place of employment or entertainment; and,

(c) **Development** that does not meet the NFIP definition of a **structure** for **floodplain management** purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing Structure)

Any **walled and roofed** expansion to the perimeter of a **structure** in which the **addition** is connected by a common load-bearing wall other than a firewall. Any **walled and roofed addition**, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is **new construction**.

Aerator

A mechanical device placed within a **public freshwater lake** that is used to accomplish any of the following:

(1) Increase the amount of dissolved oxygen in the water.

(2) Increase the decomposition of organic materials.

(3) Alter water flow or circulation.

(4) Reduce icing.

(5) Enhance audio or visual enjoyment by bubbling or spraying water.

Appeal

A request for a review of the **floodplain** administrator's interpretation of any provision of this section, a request for a **variance**, or a challenge of a board decision.

Area of Special Flood Hazard

The land within a **community** subject to a one (1) percent or greater chance of being flooded in any given year.

Base Flood

The **flood** having a one percent chance of being equaled or exceeded in any given year. The **base flood** may also be referred to as the 1% annual chance **flood** or one hundred (100) year flood.

Base Flood Elevation (BFE)

Means the water surface elevation of the **base flood** in relation to a specified datum, usually the **North American Vertical Datum of 1988**.

Basement

That portion of a **structure** having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL)

Floodplain studies and any corresponding **floodplain** maps prepared and/or approved by the Indiana Department of Natural Resources which provide **base flood elevation** information, **floodplain** limits, and/or **floodway** delineations for **flood** hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the **flood** hazard is not identified on available **floodplain** mapping.

Building - See "Structure."

Community

A political entity that has the authority to adopt and enforce **floodplain** ordinances for the areas within its jurisdiction.

Development

Development means, for **floodplain management** purposes, any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a **structure** or any **addition** to a **structure**;

(2) installing a **manufactured home** on a site, preparing a site for a **manufactured home** or installing a **recreational vehicle** on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of **flood** control **structures** such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of boat lifts, docks, piers and seawalls;

(7) construction and/or reconstruction of bridges or culverts;

(8) storage of materials; or

(9) any other activity that might change the direction, height, or velocity of **flood** or surface waters.

"**Development**" does not include activities such as the maintenance of existing **structures** and facilities such as painting; reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent **structures**.

Dry Hydrant

A **structure** that does both of the following:

(1) Extends lakeward of the legally established or average normal waterline or shoreline.

(2) Provides a means of suction water supply without direct drafting for fire protection.

Elevation Certificate

A **FEMA** form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure)

An area of a **structure** enclosed by walls on all sides.

Enclosure below the lowest floor - See "Lowest Floor" and "Enclosed Area."

Existing Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 24, 1974.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA

The Federal Emergency Management Agency.

Fill

Fill for **floodplain management** purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the **natural grade** elevation. **Fill** material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides (i.e., mudflows) which are proximately caused by **flooding** and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or **flooding** also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a **flood** as defined above.

Flood Hazard Area

Areas subject to the one percent annual chance flood. (See "**Special Flood Hazard Area**")

Flood Insurance Rate Map (FIRM)

An official map of a **community**, on which **FEMA** has delineated both the areas of special **flood** hazard and the risk premium zones applicable to the **community**. A **FIRM** that has been made available digitally is called a Digital **Flood Insurance Rate Map** (DFIRM).

Flood Insurance Study (FIS)

The official hydraulic and hydrologic report provided by **FEMA**. The report contains **flood** profiles, as well as the **FIRM** and the water surface elevation of the **base flood**.

Flood Prone Area

Any land area acknowledged by a **community** as being susceptible to inundation by water from any source. (See "**Floodplain**")

Flood Protection Grade (FPG)

The **BFE** plus two (2) feet at any given location in the **SFHA**. (see "**Freeboard**")

Flood-Related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash **flood** or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in **flooding**.

Floodplain

Floodplain or **flood prone area** means any land area susceptible to being inundated by water from any source. (See "Flood")

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing **flood** damage and preserving and enhancing, where possible, natural resources in the **floodplain**, including but not limited to emergency preparedness plans, **flood** control works, **floodplain management regulations**, and open space plans.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, **building** codes, health regulations, special purpose ordinances (such as a **floodplain** ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control **development** in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of **flood** damage prevention and reduction.

Floodproofing (Dry Floodproofing)

A method of protecting a **structure** that ensures that the **structure**, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic **flood** forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate

A form used to certify compliance for non-residential **structures** as an alternative to elevating **structures** to or above the **FPG**.

Floodway

The channel of a river or other **watercourse** and the adjacent land areas that must be reserved in order to discharge the **base flood** without cumulatively increasing the water surface elevation more than a designated height.

Freeboard

A factor of safety, usually expressed in feet above the **BFE**, which is applied for the purposes of **floodplain management**. It is used to compensate for the many unknown factors that could contribute to **flood** heights greater than those calculated for the **base flood**.

Fringe

The portion of the **floodplain** lying outside the **floodway**.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Glacial Stone

A rounded stone that satisfies each of the following:

(1) Was produced by glacial activity.

(2) No individual stone weighs more than one hundred twenty (120) pounds.

(3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.

Hardship (as Related to Variances of This Section)

The exceptional **hardship** that would result from a failure to grant the requested **variance**. The City of Fort Wayne Board of Zoning Appeals requires that the **variance** is exceptional, unusual, and peculiar to the property involved. Mere economic or financial **hardship** alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional **hardship**. All of these problems can be resolved through other means without granting a **variance**, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the **parcel** to a different use than originally intended.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to the **start of construction**, next to the proposed walls of a **structure**.

Historic Structure

Any **structure** that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the National Park Service) or preliminarily determined by either the Indiana DNR-Division of Historic Preservation and Archaeology, or by the National Park Service as meeting the requirements for individual listing on the National Register; or

(2) certified or preliminarily determined by either the Indiana DNR-Division of Historic Preservation and Archaeology, or by the National Park Service as a "contributing property" in a historic district listed in the National Register of Historic Places, or in a historic district preliminarily determined by the Indiana DNR-Division of Historic Preservation and Archaeology or the National Park Service as meeting the eligibility for listing in the National Register; or

(3) individually listed, with a rating of "Outstanding" in the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) Historic Resources Inventory, the Indiana SHAARD GIS map site, or any successors to these data platforms; or

(4) individually listed as a Fort Wayne local historic district or a contributing **building** or historic resource within a Fort Wayne multi-property historic district; or

(5) a "Notable" or "Outstanding" individual property, or a contributing resource in a listed or eligible historic district included in the Fort Wayne Cultural Resources Inventory; or

(6) if individually listed, with a rating of "Notable" in the Indiana SHAARD Historic Resources Inventory, the Indiana SHAARD GIS map site, or if a **building** does not fall into any of these categories but is questionable in its absence, consult with the City of Fort Wayne Historic Preservation Staff.

Hydrologic and Hydraulic Engineering Analysis

Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and **FEMA**, used to determine the **base flood**, other frequency floods, **flood** elevations, **floodway** information and boundaries, and **flood** profiles.

International Code Council Evaluation Service (ICC-ES) Report

A document that presents the findings, conclusions, and recommendations from a particular evaluation. **ICC-ES reports** provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD)

A letter issued by **FEMA** during the mapping update process which establishes final elevations and provides the new **flood** map and **flood** study to the **community**. The **LFD** initiates the six-month adoption period. The **community** must adopt or amend its **floodplain management regulations** during this six-month period unless the **community** has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC)

A general term used to refer to the several types of revisions and amendments to **FEMA** maps that can be accomplished by letter. They are broken down into the following categories:

(1) Conditional Letter of Map Revision (CLOMR) means **FEMA** comment on a proposed project that would, upon construction, result in modification of the **SFHA** through the placement of **fill** outside the existing regulatory **floodway**.

(2) Conditional Letter of Map Revision Based on **Fill** (CLOMR-F) means a letter from **FEMA** stating that a proposed **structure** that will be elevated by **fill** would not be inundated by the **base flood**.

(3) Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective **FEMA** map that establishes that a **building** or a portion of land is not located in a **SFHA** through the submittal of property specific elevation data. A LOMA is only issued by **FEMA**.

(4) Letter of Map Amendment Out as Shown (LOMA-OAS) means an official determination by **FEMA** that states the property or **building** is correctly shown outside the **SFHA** as shown on an effective NFIP map. Therefore, the mandatory **flood** insurance requirement does not apply. An out-as-shown determination does not require elevations.

(5) Letter of Map Revision (LOMR) means an official revision to the currently effective **FEMA** map. It is issued by **FEMA** and changes **flood** zones, delineations, and elevations.

(6) Letter of Map Revision Based on **Fill** (LOMR-F) means **FEMA** modification of the **SFHA** shown on the **FIRM** based on the placement of **fill** outside the existing regulatory **floodway**.

Lowest Adjacent Grade

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or **basement** entryway immediately next to the **structure**.

Lowest Floor

For **floodplain management** purposes, the lowest elevation described among the following:

(1) The **lowest floor** of a **building**.

(2) The **basement** floor.

(3) The garage floor if the garage is connected to the **building**.

(4) The first floor of a **structure** elevated on pilings or pillars.

(5) The floor level of any **enclosure**, other than a **basement**, below an elevated **structure** where the walls of the **enclosure** provide any resistance to the flow of floodwaters. Designs for meeting the **flood** opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

(a) The walls are designed to automatically equalize the hydrostatic **flood** forces on the walls by allowing for the entry and exit of floodwaters.

(b) At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of **enclosed area**. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

(6) The first floor of a **building** elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured Home

A **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **"manufactured home"** does not include a **"recreational vehicle."**

Manufactured Home Park or Subdivision

A **parcel** (or contiguous **parcel**s) of land divided into two or more **manufactured home** lots for rent or sale.

Market Value

The **building** value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. **Market value** can be established by independent certified appraisal or assessed values.

Mitigation

Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **mitigation** is twofold: to protect people and **structures**, and to minimize the cost of disaster response and recovery.

Natural Grade

Natural grade for **floodplain management** purposes means the elevation of the undisturbed natural surface of the ground. **Fill** placed prior to the date of the initial identification of the **flood** hazard on a **FEMA** map is also considered **natural grade**.

New Construction

New construction for **floodplain management** purposes means any **structure** for which the "**start of construction**" commenced on or after the effective date of a **floodplain management regulations** adopted by a **community** and includes any subsequent improvements to such **structures**.

New Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 24, 1974.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993

A vertical control datum used as a reference for establishing varying elevations within the **floodplain**.

Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, **building**, wire, fence, rock, gravel, refuse, fill, **structure**, vegetation, or other material in, along, across or projecting into any **watercourse** which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent Annual Chance Flood

The **flood** that has a one percent (1%) chance of being equaled or exceeded in any given year. (see "**Regulatory Flood**").

Physical Map Revision (PMR)

An official republication of a **community's FEMA** map to effect changes to base (1-percent annual chance) **flood** elevations, **floodplain** boundary delineations, regulatory **floodways**, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional **flood hazard areas**, or correction to **base flood elevations** or **SFHAs**.

Prefabricated Building

A **building** that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete **building**.

Principally Above Ground

Means that at least 51 percent of the actual cash value of the **structure**, less land value, is above ground.

Public Freshwater Lake

A naturally formed lake (not man made) that has been used by the public with the acquiescence of a riparian owner. A listing of Indiana **public freshwater lakes** is maintained in Natural Resources Commission Information Bulletin #61.

Recreational Vehicle

A vehicle which is

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory Flood

A **flood** having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The **regulatory flood** elevation at any location is as defined in this section. The "**Regulatory Flood**" is also known by the term "**Base Flood**", "**One-Percent Annual Chance Flood**", and "100-Year Flood".

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA)

Synonymous with "areas of special **flood** hazard" and **floodplain**, means those lands within the jurisdiction of the City subject to a one percent or greater chance of **flooding** in any given year. **Special flood hazard areas** are designated by the Federal Emergency Management Agency on **Flood Insurance Rate Maps**, **Flood** Insurance Studies, Zones A, AE, A99, or VE. The **SFHA** includes areas that are **flood** prone and designated from other federal, state, or local sources of data including but not limited to **best available flood layer** maps provided by or approved by the Indiana Department of Natural Resources, historical **flood** information reflecting high water marks, previous **flood** inundation areas, and **flood** prone soils associated with a **watercourse**.

Start of Construction

Includes **substantial improvement**, and means the date the **building** permit was issued, provided the actual **start of construction**, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a **structure** on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a **manufactured home** on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a **basement**, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory **buildings**, such as garages or sheds not occupied as dwelling units or not part of the main **structure**. For a **substantial improvement**, the actual **start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a **building**, whether or not that alteration affects the external dimensions of the **building**.

Stem Wall Foundation, Backfilled

A solid perimeter foundation that is backfilled with compacted structural fill, concrete, or gravel that supports a floor slab (also called chain wall, raised slab on grade, and slab on stem wall with fill).

Structure

A **walled and roofed building**, including a gas or liquid storage tank, which is **principally above ground**. The term includes a **manufactured home**, as well as a **prefabricated building**. It also includes **recreational vehicles** installed on a site for more than 180 consecutive days.

Substantial Damage

Damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before damaged condition would equal or exceed 50 percent of the **market value** of the **structure** before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, **addition**, or other improvement of a **structure**, the cost of which equals or exceeds 50 percent of the **market value** of the **structure** before the "**start of construction**" of the improvement. This term includes **structures** that have incurred "**substantial damage**" regardless of the actual repair work performed. The term does not include improvements of **structures** to correct existing **violations** of state or local health, sanitary, or safety code requirements.

Temporary structure (Public Freshwater Lakes only)

A **structure** that can be installed and removed from the waters of a **public freshwater lake** without using a crane, bulldozer, backhoe, or similar heavy or large machinery.

Examples of a **temporary structure** include the following:

(1) A pier that is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and is not mounted in or comprised of concrete or cement.

(2) A boat shelter, boat lift, or boat hoist that has a canvas top and sides; is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter; is not mounted in or comprised of concrete or cement; is designed to float or to rest upon the bed of the lake under its own weight if any **structure** to which it is attached complies with this section; and is not wider than ten (10) feet nor longer than twenty (20) feet.

Variance

A grant of relief from the requirements of this section consistent with the **variance** conditions herein.

Violation

The failure of a **structure** or other **development** to be fully compliant with this section.

Walled and Roofed

A **building** that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. **Watercourse** includes specifically designated areas in which substantial **flood** damage may occur.

(C) General Provisions

(1) Lands to Which This Section Applies

This section shall apply to all areas of special **flood** hazard (**SFHAs**) within the jurisdiction of the City of Fort Wayne, Indiana as identified in §157.412(C)(2), including any additional areas of special **flood** hazard annexed by the City of Fort Wayne, Indiana.

(2) Basis for Establishing the Areas of Special **Flood** Hazard

(a) The **regulatory flood** elevation, **floodway**, and **fringe** limits for the studied **SFHAs** within the jurisdiction of the City of Fort Wayne, delineated as an "AE Zone" on the Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map** dated August 3, 2009 shall be determined from the **one-percent annual chance flood** profiles in the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas and the corresponding **Flood Insurance Rate Maps (FIRM)** dated August 3, 2009, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the **floodway** limits not be delineated on the **Flood Insurance Rate Map** for a studied **SFHA** designated as an "AE Zone", the limits of the **floodway** will be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources.

(b) The **regulatory flood** elevation, **floodway**, and **fringe** limits for each of the **SFHAs** within the jurisdiction of the City of Fort Wayne, delineated as an "A Zone" on the Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map**, dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the **best available flood layer** data provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the **best available flood layer**, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(c) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an "Zone AE" on the Allen County, Indiana and Incorporated Areas shall be in the stillwater elevation tables in the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas dated August 3, 2009, and any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(d) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an "Zone A" on the Allen County, Indiana and Incorporated Areas dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available **flood** data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(e) In the absence of a published **FEMA** map, or absence of identification on a **FEMA** map, the **regulatory flood** elevation, **floodway**, and **fringe** limits of any **watercourse** in the **community's** known **flood prone areas** shall be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(f) Upon issuance of a **Letter of Final Determination (LFD)**, any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (**development**) purposes, replacing all previously effective less restrictive **flood** hazard data provided by **FEMA**.

(3) Establishment of **Floodplain Development** Permit

A **Floodplain Development** Permit shall be required in conformance with the provisions of this section prior to the commencement of any **development** activities in areas of special **flood** hazard.

(4) Compliance

(a) No **structure** shall hereafter be located, extended, converted or structurally altered within the **SFHA** without full compliance with the terms of this section and other applicable regulations.

(b) Where an existing or proposed **structure** or other **development** is affected by multiple **flood** zones, by multiple **base flood elevations**, or both, the **development** activity must comply with the provisions of this section applicable to the most restrictive **flood** zone and the most conservative (highest) **base flood elevation** affecting any part of the existing or proposed **structure**; or for other **developments**, affecting any part of the area of the **development**.

(c) No land or stream within the **SFHA** shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

(5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Discrepancy between Mapped **Floodplain** and Actual Ground Elevations

(a) In cases where there is a discrepancy between the mapped **floodplain** (**SFHA**) with **base flood elevations** provided (**riverine** or lacustrine Zone AE) on the **FIRM** and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

(b) If the elevation of the site in question is below the **base flood elevation**, that site shall be included in the **SFHA** and regulated accordingly.

(c) If the **natural grade** elevation of the site in question is at or above the **base flood elevation** and a LOMA or LOMR-FW is obtained, the **floodplain** regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(7) Interpretation

In the interpretation and application of this section all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Liability

The degree of **flood** protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of the City of Fort Wayne, the Indiana Department of Natural Resources, or the State of Indiana, for any **flood** damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(9) Penalties for **Violation**

Failure to obtain a **Floodplain Development** Permit in the **SFHA** or failure to comply with the requirements of a **Floodplain Development** Permit or conditions of a **variance** shall be deemed to be a **violation** of this section. All **violations** shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Fort Wayne. All **violations** shall be punishable by a fine not exceeding $2,500.00.

(a) A separate offense shall be deemed to occur for each day the **violation** continues to exist.

(b) The Fort Wayne Plan Commission shall inform the owner that any such **violation** is considered a willful act to increase **flood** damages and therefore may cause coverage by a Standard **Flood** Insurance Policy to be suspended.

(c) Nothing herein shall prevent the City of Fort Wayne from taking such other lawful action to prevent or remedy any **violations**. All costs connected therewith shall accrue to the person or persons responsible.

(D) Administration

(1) Designation of Administrator

The Fort Wayne Plan Commission of the City of Fort Wayne hereby appoints the Fort Wayne Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the **Floodplain** Administrator.

(2) **Floodplain Development** Permit and Certification Requirements

An application for a **Floodplain Development** Permit shall be made to the **Floodplain** Administrator for all **development** activities located wholly within, partially within, or in contact with an identified **special flood hazard area**. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed **structures**, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application Stage

(i) A description of the proposed **development**;

(ii) Location of the proposed **development** sufficient to accurately locate property and **structure**(s) in relation to existing roads and streams;

(iii) A legal description of the property site;

(iv) A site development plan showing existing and proposed **development** locations and existing and proposed land grades;

(v) For the reconstruction, rehabilitation, or improvement of an existing **structure**, or an **addition** to an existing **building**, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) **structure**;

(vi) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed **structures** to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;

(vii) Plans showing elevation of the top of the planned **lowest floor** (including **basement**) of all proposed **structures** in Zones A, AE. Elevation should be in **NAVD 88**;

(viii) Plans showing elevation (in **NAVD 88**) to which any non-residential **structure** will be floodproofed;

(ix) Plans showing location and specifications for **flood** openings for any proposed **structure** with **enclosed areas** below the **flood protection grade**;

(x) Plans showing materials to be used below the **flood protection grade** for any proposed **structure** are **flood** resistant;

(xi) Plans showing how any proposed **structure** will be anchored to resist flotation or collapse;

(xii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in **NAVD 88**;

(xiii) Description of the extent to which any **watercourse** will be altered or relocated as a result of proposed **development**. A **hydrologic and hydraulic engineering analysis** is required, and any **watercourse** changes submitted to DNR for approval. Once DNR approval is obtained, a **FEMA** Conditional Letter of Map Revision must be obtained prior to construction. (See §157.412(D)(3)(h) and §157.412(D)(5) for additional information)

(xiv) Any additional information, as requested by the **Floodplain** Administrator, which may be necessary to determine the disposition of a proposed **development** or **structure** with respect to the requirements of this section.

(b) Construction Stage

Upon establishment of the **lowest floor** of an elevated **structure** or **structure** constructed on fill, it shall be the duty of the applicant to submit to the **Floodplain** Administrator an **elevation certificate** for the **building** under construction. The **Floodplain** Administrator shall review the **elevation certificate**. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) Finished Construction

(i) Upon completion of construction of any **structure** requiring certification of elevation, an **elevation certificate** which depicts the "as-built" **lowest floor** elevation and other applicable elevation data is required to be submitted by the applicant to the **Floodplain** Administrator. The **elevation certificate** shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

(ii) Upon completion of construction of an elevated **structure** constructed on fill, a **fill** report is required to be submitted to the **Floodplain** Administrator to verify the required standards were met, including compaction.

(iii) Upon completion of construction of a **floodproofing** measure, a **floodproofing certificate** is required to be submitted by the applicant to the **Floodplain** Administrator. The **floodproofing certificate** shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the **Floodplain** Administrator

The **Floodplain** Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose.

Duties and responsibilities of the **Floodplain** Administrator shall include, but are not limited to:

(a) Enforce the provisions of this section.

(b) Evaluate application for permits to develop in **special flood hazard areas** to assure that the permit requirements of this section have been satisfied.

(c) Interpret **floodplain** boundaries and provide **flood** hazard and **flood** protection elevation information.

(d) Issue permits to develop in **special flood hazard areas** when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

(e) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the **Floodplain Development** Permit.

(f) Conduct **substantial damage** determinations to determine whether existing **structures**, damaged from any source and in **special flood hazard areas** identified by **FEMA**, must meet the **development** standards of these regulations.

(g) For applications to improve **structures**, including alterations, movement, enlargement, replacement, repair, change of occupancy, **additions**, rehabilitations, renovations, **substantial improvements**, repairs of **substantial damage**, and any other improvement of or work on such **buildings** and **structures**, the **Floodplain** Administrator shall:

(i) Verify and document the **market value** of the pre-damaged or pre-improved **structure**;

(ii) Compare the cost to perform the improvement; or the cost to repair a damaged **building** to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the **market value** of the pre-damaged or pre-improved **structure**. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by **FEMA** to ensure compliance with the NFIP and to avoid any conflict with future **flood** insurance claims of policyholders within the **community**;

(iii) Determine and document whether the proposed work constitutes **substantial improvement** or repair of **substantial damage**. For non-substantial **additions** or improvements, or non-substantial reconstruction or repairs, only one **development** project shall be permitted per twenty-four (24) month period. The project shall be completed within the twenty-four (24) months. An **addition**, improvement, reconstruction, or repair project that is continuous in scope or time shall be considered as one project for permitting purposes; and

(iv) Notify the applicant if it is determined that the work constitutes **substantial improvement** or repair of **substantial damage** and that compliance with the applicable general and specific standards in §157.412(E) are required.

(h) Notify adjacent communities and the State **Floodplain** Coordinator prior to any alteration or relocation of a **watercourse** and submit copies of such notifications to **FEMA**.

(i) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all **development** projects subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), and §157.412(E)(1)(d). Maintain a record of such authorization (either copy of actual permit/authorization or **floodplain** analysis/regulatory assessment).

(j) Verify the upstream drainage area of any proposed **development** site near any **watercourse** not identified on a **FEMA** map to determine if §157.412(D)(3)(i) is applicable.

(k) Assure that maintenance is provided within the altered or relocated portion of said **watercourse** so that the flood-carrying capacity is not diminished.

(l) Verify and record the actual elevation of the **lowest floor** (including **basement**) of all new or substantially improved **structures**, in accordance with §157.412(D)(2).

(m) Verify and record the actual elevation to which any new or substantially improved **structures** have been floodproofed in accordance with §157.412(D)(2).

(n) Make on-site inspections of projects in accordance with §157.412(D).

(o) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged **structure** covered by a standard **flood** insurance policy into compliance (either a substantially damaged **structure** or a repetitive loss **structure**) to ensure eligibility for ICC funds.

(p) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any **structures** (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of water.

(q) Provide information, testimony, or other evidence as needed during **variance** hearings.

(r) Serve notices of **violations**, issue stop-work orders, revoke permits and take corrective actions in accordance with §157.412(D)(4).

(s) Maintain for public inspection and furnish upon request local permit documents, damaged **structure** inventories, **substantial damage** determinations, **regulatory flood** data, **SFHA** maps, **Letters of Map Change** (**LOMC**), copies of DNR permits, letters of authorization, and **floodplain** analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and **floodproofing** data for all **buildings** constructed subject to §157.412(D)(4).

(t) Coordinate map maintenance activities and associated **FEMA** follow-up in accordance with §157.412(D)(5).

(u) Utilize and enforce all **Letters of Map Change** (**LOMC**) or **Physical Map Revisions** (**PMR**) issued by **FEMA** for the currently effective **SFHA** maps of the **community**.

(v) Request any additional information which may be necessary to determine the disposition of a proposed **development** or **structure** with respect to the requirements of this section.

~~(4) Administrative Procedures~~

~~(a) Inspections of Work in Progress. As the work pursuant to a permit progresses, the **floodplain** administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.~~

~~(b) Stop Work Orders~~

~~(i) Upon notice from the **floodplain** administrator, work on any **building, structure** or premises that is being done contrary to the provisions of this section shall immediately cease.~~

~~(ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.~~

~~(c) Revocation of Permits~~

~~(i) The **floodplain** administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.~~

~~(ii) The **floodplain** administrator may revoke a permit upon determination by the **floodplain** administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the **structure** for which the permit was issued is in **violation** of, or not in conformity with, the provisions of this section.~~

~~(d) Floodplain Management Records~~

~~(i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this section shall be kept on file and maintained under the direction of the **Floodplain** Administrator in perpetuity. These records include permit applications, plans, certifications, **Flood Insurance Rate Maps**; **Letter of Map Change**; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes **substantial improvement** or repair of **substantial damage**; required design certifications and documentation of elevations required by this section; notifications to adjacent communities, **FEMA**, and the state related to alterations of **watercourses**; assurances that the **flood** carrying capacity of altered **watercourses** will be maintained; documentation related to **appeals** and **variances**, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section.~~

~~(ii) These records shall be available for public inspection at the offices of the Department of Planning Services (Suite 150, 200 East Berry Street, Fort Wayne Indiana).~~

(e) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the **Floodplain** Administrator to ensure compliance. The **Floodplain** Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities

To meet NFIP minimum requirements to have **flood** data reviewed and approved by **FEMA**, and to ensure that City of Fort Wayne **flood** maps, studies and other data identified in §157.412(C)(2) accurately represent **flooding** conditions so appropriate **floodplain management** criteria are based on current data, the following map maintenance activities are identified:

(a) Requirement to Submit New Technical Data

(i) For all **development** proposals that impact **floodway** delineations or **base flood elevations**, the **community** shall ensure that technical data reflecting such changes be submitted to **FEMA** within six months of the date such information becomes available. These **development** proposals include:

[A] **Floodway** encroachments that increase or decrease **base flood elevations** or alter **floodway** boundaries;

[B] **Fill** sites to be used for the placement of proposed **structures** where the applicant desires to remove the site from the **special flood hazard area**;

[C] Alteration of **watercourses** that result in a relocation or elimination of the **special flood hazard area**, including the placement of culverts; and Subdivision or large scale **development** proposals requiring the establishment of **base flood elevations**.

(ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to **FEMA**. The Indiana Department of Natural Resources will review the submittals as part of a partnership with **FEMA**. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the **FEMA** form (MT-2) or submitted through the online **Letter of Map Change** website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(iii) The **Floodplain** Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a **Floodplain Development** Permit for proposed **floodway** encroachments that increase the **base flood elevation**.

(iv) **Floodplain Development** Permits issued by the **Floodplain** Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from **FEMA** for any **development** proposal subject to this section.

(b) Right to Submit New Technical Data

The **Floodplain** Administrator may request changes to any of the information shown on an effective map that does not impact **floodplain** or **floodway** delineations or **base flood elevations**, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Fort Wayne and may be submitted to **FEMA** at any time.

(c) Annexation / Detachment

Upon occurrence, the **Floodplain** Administrator shall notify **FEMA** in writing whenever the boundaries of the City of Fort Wayne have been modified by annexation or the **community** has assumed authority over an area, or no longer has authority to adopt and enforce **floodplain management regulations** for a particular area. In order that Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map** accurately represent the City of Fort Wayne boundaries, include within such notification a copy of a map of the City of Fort Wayne suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Fort Wayne has assumed or relinquished **floodplain management** regulatory authority.

(6) **Variance** Procedures

(a) The Board of Zoning Appeals (the Board) as established by the Fort Wayne Plan Commission shall hear and decide **appeals** and requests for **variances** from requirements of this section.

(b) The Board shall hear and decide **appeals** when it is alleged an error in any requirement, decision, or determination is made by the **Floodplain** Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may **appeal** such decision to the Allen County Circuit Court.

(c) In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and:

(i) the danger to life and property due to **flooding** or erosion damage;

(ii) the danger that materials may be swept onto other lands to the injury of others;

(iii) the susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the **community**;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the compatibility of the proposed use with existing and anticipated **development**;

(vii) the availability of alternative locations for the proposed use which are not subject to **flooding** or erosion damage;

(viii) the safety of access to the property in times of **flood** for ordinary and emergency vehicles;

(ix) the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and

(x) the costs of providing governmental services during and after **flood** conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(d) A written report addressing each of the above factors shall be submitted with the application for a **variance**.

(e) **Variances** from the provisions of this section shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:

(i) A showing of good and sufficient cause.

(ii) A determination that failure to grant the **variance** would result in exceptional **hardship** as defined in §157.412(B).

(iii) A determination that the granting of a **variance** will not result in increased **flood** heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(f) No **variance** for a residential use within a **floodway** subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) may be granted.

(g) Any **variance** granted in a **floodway** subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) of this section will require a permit from the Indiana Department of Natural Resources. **Variances** shall not be issued within any designated **regulatory floodway** if any increase in **flood** levels during the **base flood** discharge would result.

(h) **Variances** to the Provisions for **Flood** Hazard Reduction of §157.412(E), may be granted only when a new **structure** is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing **structures** constructed below the **flood protection grade**.

(i) **Variances** may be issued for the repair or rehabilitation of "**historic structures**" upon a determination that the proposed repair or rehabilitation will not preclude the **structure**'s continued designation as an "**historic structure**" and the **variance** is the minimum to preserve the historic character and design of the **structure**.

(j) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

(k) **Variances** shall only be issued upon a determination that the **variance** is the minimum necessary, considering the **flood** hazard, to afford relief.

(l) Upon consideration of the factors listed above and the purposes of this section, the **appeal** board may attach such conditions to the granting of **variances** as it deems necessary to further the purposes of this section.

(m) Any applicant to whom a **variance** is granted shall be given written notice specifying the difference between the **Flood Protection Grade** and the elevation to which the **lowest floor** is to be built and stating that the cost of the **flood** insurance will be commensurate with the increased risk resulting from the reduced **lowest floor** elevation.

(n) The **Floodplain** Administrator shall maintain the records of **appeal** actions and report any **variances** to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

~~(E) Provisions for **Flood** Hazard Reduction~~

~~(1) **Floodplain** Status Standards~~

~~(a) Floodways (Riverine)~~

~~Located within **SFHAs**, established in §157.412(C)(2), are areas designated as **floodways**. The **floodway** is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the **Flood** Control Act (IC 14-28-1) a permit for construction in a **floodway** from the Indiana Department of Natural Resources is required prior to the issuance of a local **building** permit for any excavation, deposit, construction, or **obstruction** activity located in the **floodway**. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual **start of construction** of the **structure**. General licenses and exemptions to the requirements of the **Flood** Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified **additions**/improvements to existing lawful residential **structures**, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.~~

~~(i) If the site is in a regulatory **floodway** as established in §157.412(C)(2), the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a **floodway**, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).~~

~~(ii) No action shall be taken by the **Floodplain** Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the **floodway**, or evidence provided by an applicant that the **development** meets specified criteria to qualify for a general license or exemption to the requirement of the **Flood** Control Act. The **Floodplain Development** Permit shall meet the provisions contained in this article.~~

~~(iii) The **Floodplain Development** Permit cannot be less restrictive than an approval issued for construction in a **floodway** issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the **Flood** Control Act for a specific site/project. However, a **community's** more restrictive regulations (if any) shall take precedence.~~

~~(iv) In **floodway** areas identified on the **FIRM**, **development** shall cause no increase in **flood** levels during the occurrence of the **base flood** discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of §157.412(D)(5)(a). A Conditional Letter of Map Revision cannot be issued for **development** that would cause an increase in **flood** levels affecting a **structure** and such **development** should not be permitted.~~

(v) In **floodway** areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective **FIRM** as **floodway** areas, the total cumulative effect of the proposed **development**, when combined with all other existing and anticipated **development**, shall not adversely affect the efficiency of, or unduly restrict the capacity of the **floodway**. This adverse effect is defined as an increase in the elevation of the **regulatory flood** of at least fifteen hundredths (0.15) of a foot as determined by comparing the **regulatory flood** elevation under the project condition to that under the natural or pre **floodway** condition as proven with hydraulic analyses.

(vi) For all projects involving channel modifications or **fill** (including levees) the City of Fort Wayne shall submit the data and request that the Federal Emergency Management Agency revise the **regulatory flood** data per mapping standard regulations found at 44 CFR § 65.12.

(b) Fringe (Riverine)

If the site is in the **fringe** (either identified on the **FIRM** or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a **FIRM**), the **Floodplain** Administrator may issue the local **Floodplain Development** Permit provided the provisions contained in this section have been met.

(c) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

(i) Drainage area upstream of the site is greater than one square mile:

[A] If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

[B] No action shall be taken by the **Floodplain** Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a **floodway** letter of authorization, or evidence of general license qualification) or a **floodplain** analysis/regulatory assessment citing the **one-percent-annual-chance flood** elevation and the recommended **Flood Protection Grade** has been received from the Indiana Department of Natural Resources.

[C] Once the **Floodplain** Administrator has received the proper written approval, evidence of general license qualification or **floodplain** analysis/regulatory assessment approving the proposed **development** from the Indiana Department of Natural Resources, a **Floodplain Development** Permit may be issued, provided the conditions of the **Floodplain Development** Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

(ii) Drainage area upstream of the site is less than one square mile:

[A] If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined and the drainage area upstream of the site is less than one square mile, the **Floodplain** Administrator shall require the applicant to provide an engineering analysis showing the limits of the **floodplain** and **one-percent annual chance flood** elevation for the site.

[B] Upon receipt, the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the provisions contained in this section have been met.

(d) **SFHAs** not Identified on a Map

(i) If a proposed **development** site is near a waterway with no **SFHA** identified on a map, the **Floodplain** Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(ii) No action shall be taken by the **Floodplain** Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a **floodway**, letter of authorization, or evidence of general license qualification) or a **floodplain** analysis/regulatory assessment citing the **one-percent annual chance flood** elevation and the recommended **Flood Protection Grade** has been received from the Indiana Department of Natural Resources.

(iii) Once the **Floodplain** Administrator has received the proper written approval, evidence of general license qualification, or **floodplain** analysis/regulatory assessment approving the proposed **development** from the Indiana Department of Natural Resources, a **Floodplain Development** Permit may be issued, provided the conditions of the **Floodplain Development** Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(e) Public Freshwater Lakes

Within the **SFHA** are **public freshwater lakes**. **Public freshwater lakes** are governed by IC 14-26-2 (sometimes referred to as the Lakes Preservation Act) and rules adopted by the Natural Resource Commission at 312 IAC 11-1 through 312 IAC 11-5 to assist with its implementation. A listing of **public freshwater lakes** can be found in the Indiana Register, Information Bulletin #61. Noting while Lake Freeman and Lake Shafer are listed, Indiana Department of Natural Resources and Natural Resource Commission authority is abridged by IC 14-26-2-15. Dredging of **public freshwater lakes** is addressed in the Indiana Register, Information Bulletin #60.

(i) Lakes Preservation Act jurisdiction is based on the specific lake's legally established lake level, where this legally established elevation (legal lake level) meets the land along the shoreline. When no legal lake level is established for a lake, average normal shoreline at each site is used, based on observation of breaks such as lakebed vs ground and lines of demarcation.

(ii) Indiana Department of Natural Resources approval is required for excavation, fill, and placement, modification or repair of a temporary or permanent **structure** over, along or lakeward of the shoreline or waterline of a **public freshwater lake**. Walls landward of the shoreline (within ten (10) feet) and below legal or normal water level of a **public freshwater lake** also require prior approval from DNR.

(iii) General licenses and exemptions to the Lake Preservation Act may apply to the placement of temporary piers, **dry hydrants**, **aerators**, or **glacial stone** reface, provided they meet the specific criteria of the Public Lakes Rules.

(iv) No action shall be taken by the **Floodplain** Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval or qualification for a general license has been verified. Once a permit or approval has been issued by the Indiana Department of Natural Resources (or general license qualification verified), the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the applicable provisions contained in this article have been met. The **Floodplain Development** Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources. However, a **community's** more restrictive regulations (if any) shall take precedence.

(2) General Standards

In all areas of special **flood** hazard, the following provisions are required:

(a) All **new construction**, and **substantial improvements** shall be anchored to prevent flotation, collapse or lateral movement of the **structure**;

(b) **New construction** and **substantial improvements** shall be constructed with materials and utility equipment resistant to **flood** damage below the **FPG**;

(c) **New construction** and **substantial improvements** must incorporate methods and practices that minimize **flood** damage;

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the **FPG** for residential **structures**. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the **FPG** or designed so as to prevent water from entering or accumulating within the components below the **FPG** for non-residential **structures**. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the **FPG**;

(e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during **flooding**;

(h) Any alteration, repair, reconstruction, or improvements to a **structure** that is in compliance with the provisions of this section shall meet the requirements of "**new construction**" as contained in this section;

(i) **Base flood elevation** data shall be provided for subdivision proposals and other proposed **development** (including **manufactured home parks and subdivisions**), which is greater than the lesser of fifty (50) lots or five (5) acres;

(j) Where an existing or proposed **structure** or other **development** is affected by multiple **flood** zones, by multiple **base flood elevations**, or both, the **development** activity must comply with the provisions of this section applicable to the most restrictive **flood** zone and the highest **base flood elevation** affecting any part of the existing or proposed **structure**; or for other **developments**, affecting any part of the area of the **development**;

(k) **Fill** projects that do not involve a **structure** must be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;

(l) Whenever any portion of the **SFHA** is authorized for use, the volume of space which will be occupied by the authorized **fill** or **structure** below the **BFE** shall be compensated for and balanced by an equivalent volume of excavation taken below the **BFE**. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the **fill** or **structure**.

(i) The excavation shall take place in the same **floodplain** on the same property on which the authorized **fill** or **structure** is located, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same **floodplain** no further than 2,000' (as measured from closest point of the project property, to the closest point of the compensatory storage cut area) from the site of the authorized **fill** or **structure**, provided authorization/permission has been granted by the owners of any property where the excavation is proposed.

(ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the **floodplain** provided that the excavated volume will be below the **regulatory flood** elevation, will be in the same property in which the authorized **fill** or **structure** is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled.

(iii) The excavation shall not be subject to ponding when not inundated by floodwater; the excavation volume area shall solely be used for floodwater storage.

(iv) The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.

(v) A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the **Floodplain** Administrator shall be executed and recorded in the County Recorder's Office that runs with the property. The covenant shall be recorded prior to the issuance of the Certificate of Compliance for the **Floodplain Development** Permit, or any applicable Certificate of Use.

(vi) The **fill** or **structure** shall not obstruct a drainage way leading to the **floodplain**.

(vii) The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.

(viii) The **fill** or **structure** shall be of a material deemed stable enough to remain firm and in place during periods of **flooding** and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a **structure** is placed on **fill** it shall follow additional requirements of §157.412(E)(3)(b)(iv) and §157.412(E)(3)(c)(iv).

(ix) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual **start of construction** or any site work; once site work is complete, but before the actual **start of construction**, the applicant shall provide to the **Floodplain** Administrator a certified survey of the excavation and **fill** sites demonstrating the **fill** and excavation comply with this article.

(m) Exceptions to Compensation Requirements

(i) For primary **buildings** of up to 400 square feet, or accessory **buildings** or **structures** of up to 400 square feet, no compensatory storage shall be required on lots under ½ acre;

(ii) In the **floodway fringe**, the following amounts of **fill** shall be permitted on a lot: on lots of over one acre, up to 40 cubic yards shall be permitted; on lots between ¾ and one acre, up to 30 cubic yards shall be permitted; on lots between ½ and ¾ acre, up to 20 cubic yards shall be permitted; on lots between ¼ and ½ acre, up to 10 cubic yards shall be permitted, and on lots of up to ¼ acre, up to 5 cubic yards shall be permitted, provided that:

[A] No **fill** shall be placed within 15 feet of a side lot line;

[B] No **fill** shall be placed within 15 feet of a front or rear lot line;

[C] No **fill** shall be placed within 10 feet outside a **floodway** boundary as shown on the **FIRM** map; and

[D] No **fill** shall be placed in such a way so as to obstruct **flood** water or divert it onto an adjacent property (as in the construction of a levee or dike).

(iii) **Fill** placed for:

[A] Public **flood** control improvement projects (including a dike or levee);

[B] Public transportation facilities; or

[C] Utility collection or transmission lines as permitted in §157.412(E)(2);

[D] Compensatory storage as permitted in §157.412(E)(2)(l); or

[E] For approved **structures** as permitted above.

A request for a non-public **flood** control improvement project, including a dike or levee, or a private request to place over 40 cubic yards of non-compensatory storage **fill** in the **floodway fringe**, shall require approval of a Special Use by the Board of Zoning Appeals, subject to the applicant verifying that the **fill** as placed can withstand a **regulatory flood flooding** event.

(3) Specific Standards

In all areas of special **flood** hazard where **base flood elevation** data or **flood** depths have been provided, as set forth in §157.412(C)(2) the following provisions are required:

(a) **Building** Protection Requirement. In addition to the general standards described in §157.412(E)(2), **structures** to be located in the **SFHA** shall be protected from **flood**

damage below the **FPG**. This **building** protection requirement applies to the following situations:

(i) Construction or placement of a residential **structure**;

(ii) Construction or placement of a non-residential **structure**;

(iii) **Addition** or improvement made to an existing **structure** where the cost of the **addition** or improvement equals or exceeds 50% of the value of the existing **structure** (excluding the value of the land). An **addition** and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;

(iv) Reconstruction or repairs made to a damaged **structure** where the costs of restoring the **structure** to its before damaged condition equals or exceeds 50% of the **market value** of the **structure** (excluding the value of the land) before damage occurred (the costs of any proposed **additions** or improvements beyond restoring the damaged **structure** to its before damaged condition must be included in the cost);

(v) Installing a travel trailer or **recreational vehicle** on a site for more than 180 days;

(vi) Installing a **manufactured home** on a new site or a new **manufactured home** on an existing site.

(b) Residential Construction (excluding **manufactured homes**)

(i) **New construction** or **substantial improvement** of any residential **structures** shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).

(ii) In the **SFHA**, **new construction** or **substantial improvement** of any residential **structure** shall have the **lowest floor**; including **basement**, at or above the **FPG**. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §157.412(E)(3)(b)(iii). Should **fill** be used to elevate a **structure**, the standards of §157.412(E)(3)(b)(iv) must be met.

(iii) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:

[A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic **flood** forces on exterior walls. **Flood** openings must be designed and installed in compliance with criteria set out in **FEMA** Technical Bulletin 1. Engineered **flood** openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific **ICC-ES Report**). Non-engineered openings must have a total net area of not less than one square inch for every one square foot of **enclosed area**. Both engineered and non-engineered **flood** openings must meet the following installation criteria:

[1] Provide a minimum of two openings on different sides of an **enclosure**. If there are multiple **enclosed areas**, each is required to meet the requirements for **enclosures**, including the requirement for **flood** openings in exterior walls;

[2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

[3] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**;

[4] If the floor of the **enclosure** is at or above the **BFE**, but below the **FPG**, the openings must be located wholly below the **FPG**;

[5] Doors and windows do not qualify as openings;

[6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

[B] The floor of such **enclosed area** must be at or above grade on at least one side.

[C] The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.

(iv) A residential **structure** may be constructed on **fill** in accordance with the following

[A] **Fill** shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

[B] **Fill** shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;

[C] **Fill** shall be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;

[D] **Fill** shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(v) A residential **structure** may be constructed using a **stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill). Any **backfilled stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No **flood** openings are required for this type of construction.

(c) Nonresidential Construction

(i) **New construction** or **substantial improvement** of any non-residential **structures** (excludes **accessory structures**) shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).

(ii) In the **SFHA**, **new construction**, or **substantial improvement** of any commercial, industrial, or non-residential **structure** (excludes **accessory structures**) shall either have the **lowest floor**, including **basement** and, elevated to or above the **FPG** or be floodproofed to or above the **FPG**. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in

accordance with the standards of §157.412(E)(3)(c)(iii). Should **fill** be used to elevate a **structure**, the standards of §157.412(E)(3)(c)(iv) must be met.

(iii) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:

[A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic **flood** forces on exterior walls. **Flood** openings must be designed and installed in compliance with criteria set out in **FEMA** Technical Bulletin 1. Engineered **flood** openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific **ICC-ES Report**), or meet the following criteria for non-engineered **flood** openings:

[1] Provide a minimum of two openings on different sides of an **enclosure**. If more than one **enclosed area** is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of **enclosed area**);

[2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

[3] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**.

[4] If the floor of the **enclosure** is at or above the **BFE**, but below the **FPG**, the openings must be located wholly below the **FPG**;

[5] Doors and windows do not qualify as openings;

[6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

[B] The floor of such **enclosed area** must be at or above grade on at least one side.

[C] The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.

(iv) A nonresidential **structure** may be constructed on **fill** in accordance with the following:

[A] Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

[B] Shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;

[C] Shall be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3′ horizontal to 1′ vertical; and

[D] Shall not adversely affect the flow of surface drainage from or onto neighboring properties.

A nonresidential **structure** may be floodproofed in accordance with the following:

A Registered Professional Engineer or Architect shall certify that the **structure** has been designed so that below the **FPG**, the **structure** and attendant utility facilities are watertight and capable of resisting the effects of the **regulatory flood**. The **structure** design shall take into account **flood** velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the **floodplain** administrator.

(v) A nonresidential **structure** may be constructed using a **stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill). Any **backfilled stem wall foundation** must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No **flood** openings are required for this type of construction.

(d) Manufactured Homes and Recreational Vehicles

Manufactured homes and **recreational vehicles** to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(i) These requirements apply to all **manufactured homes** to be placed on a site in the **SFHA**.

[A] The **manufactured home** shall be elevated on a permanent foundation such that the **lowest floor** shall be at or above the **FPG** and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[B] Fully **enclosed areas** formed by foundation and other exterior walls below the **FPG** shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for elevated **structures** in §157.412(E)(3)(b).

[C] Flexible skirting and rigid skirting not attached to the frame or foundation of a **manufactured home** are not required to have openings.

(ii) **Recreational vehicles** placed on a site in the **SFHA** shall either:

[A] Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached **additions**), or

[B] Meet the requirements for "**manufactured homes**" as stated earlier in this section.

(e) Accessory Structures

Within **SFHA**s, **new construction** or placement of an **accessory structure** must meet the following standards:

(i) Shall have a floor area of 400 square feet or less;

(ii) Use shall be limited to parking of vehicles and limited storage;

(iii) Shall not be used for human habitation;

(iv) Shall be constructed of **flood** resistant materials;

(v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(vi) Shall be firmly anchored to prevent flotation;

(vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the **FPG**;

(viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for elevated **structures** in §157.412(E)(3)(c)(iii); and

(ix) Shall not have subsequent **additions** or improvements that would preclude the **structure** from its continued designation as an **accessory structure**.

(f) Free Standing Pavilions, Gazebos, Decks, Carports, and Similar **Development**

Within **SFHAs** on the **community's FIRM**, **new construction** or placement of pavilions, gazebos, decks, carports, and similar **development** must meet the following standards:

(i) Shall have open sides (having not more than one rigid wall);

(ii) Shall be anchored to prevent flotation or lateral movement;

(iii) Shall be constructed of **flood** resistant materials below the **FPG**;

(iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the **FPG**;

(v) Shall not have subsequent **additions** or improvements that would preclude the **development** from its continued designation as a pavilion, gazebo, carport, or similar open-sided **development**.

(g) Above Ground Gas or Liquid Storage Tanks

Within **SFHAs** designated as Zones A, AE on the **community's FIRM**, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non residential **structure** as required in §157.412(E)(3)(c).

(4) Standards for Subdivision and Other Subdivision Related **Development**

(a) All subdivision proposals and all other proposed new **development** shall be consistent with the need to minimize **flood** damage.

(b) All subdivision proposals and all other proposed new **development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize **flood** damage.

(c) All subdivision proposals and all other proposed new **development** shall have adequate drainage provided to reduce exposure to **flood** hazards.

(d) In all areas of special **flood** hazard where **base flood elevation** data are not available, the applicant shall provide a **hydrologic and hydraulic engineering analysis** that generates **base flood elevations** for all subdivision proposals and all other proposed new **development** (including **manufactured home parks and subdivisions**), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.

(e) All subdivision proposals shall minimize **development** in the **SFHA** and/or limit density of **development** permitted in the **SFHA**.

(f) All subdivision proposals shall ensure safe access into/out of **SFHA** for pedestrians and vehicles (especially emergency responders).

(g) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible **floodway** areas shall be included in common areas as part of the subdivision. If the **floodway** area cannot be included as a common area, it should be included in a surface drainage easement.

(F) Severability

If any section, subsection, sentence, clause, or phrase of this section is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

(D) Special Uses

(1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §157.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §157.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition, as set forth in §157.411(I) of the **Airport Overlay Districts** provisions, certain **uses** shall also require approval of a **special use**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Accessory building, as a **primary building**, on a site of at least five (5) acres	AR
Accessory dwelling unit (freestanding)	AR, R1, R2, R3, RP, MHS, DE, and UC
Airstrip/heliport (for corporate or multiple **owner use**)	AR
Amusement park (if **adjacent** to a **residential district**	C3 and C4
Animal keeping (outdoor, small animal)	R1, R2, R3, RP, MHS, DC, DE and UC
Animal service, indoor	C1
Athletic field	R1, R2, R3, RP, MHS and C1
Automatic teller machine (ATM) (stand-alone)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile Service, General (excluding **gas station uses**)	I1
Bed and breakfast	AR, R1, R2, R3, RP and MHS
Boarding house	AR, R1, R2, R3, RP, MHS and DE
Child care home (class II)	AR, R1, R2, R3, RP, MHS, DE and UC
Club, private [1]	R1, R2, R3, RP, MHS and C1
Community facility not otherwise permitted (**transitional use**)	R1, R2, R3, RP and MHS
Community garden that includes a **structure**	AR, R1, R2, R3, RP, MHS, C1, DC, DE and UC
Container home [2]	AR, R1, R2, R3, RP, MHS, DE and UC
Country club	AR, R1, R2, R3, RP and MHS
Educational institution (not otherwise permitted)	AR, R1, R2, R3, RP and MHS [1]
Educational institution associated facilities, **uses**, and areas (on noncontiguous properties)	AR, R1, R2, R3, RP and MHS
Educational institution-associated uses (on non-contiguous properties, not otherwise permitted)	C1, C2, NC, SC, C3, C4, DE, and UC
Emergency response facility (transitional use)	R1, R2, R3, RP and MHS
~~Flood control improvement project/non-permitted **fill**, private~~	~~Any **district**~~
Fraternity house	DE and UC
Fuel **storage** facility	I2
Funeral home	AR, R1, R2, R3, RP and MHS

~~Accessory Structure (see Floodplain regulations - §157.412(B), Definitions)~~

Accessory Structure, Nonresidential

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

(1) Are located on the same **lot**, **tract**, or **development site** as the primary **nonresidential building** or **use**;

Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and

Are subordinate to and serving a **primary building** or **use**.

Accessory Structure, Residential

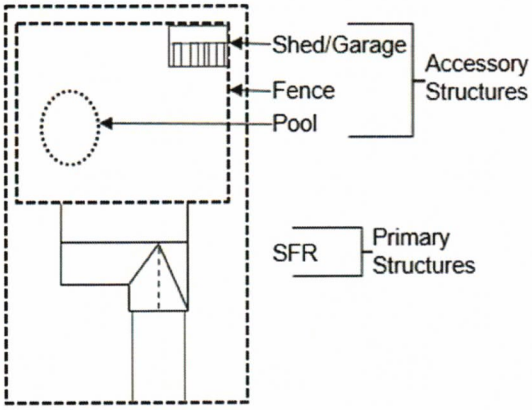
A **structure** or combination of **structures** that:

(1) Are located on the same lot, tract, or **development** site as the primary residential building;

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

Are subordinate to and serving a **primary building** or **use**; and

Contribute to the comfort, convenience or necessity of the occupants in the **primary building** or **use**.



Accessory and Primary Structures

Accessory Use

A **use** that:

(1) Is located on the same **lot**, **tract**, or **development site** as the **primary building** or **use**;

Is clearly incidental to and customarily found in connection with a **primary building** or **use** (including **public utility,** communication, electric, gas, water and sewer lines, their supports and incidental equipment);

Is subordinate to and serves a **primary building** or **use**;

Contributes to the convenience or necessity of the occupants of the **primary building** or **use**; and

Is a permitted use in the applicable zoning district.

Addition

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

~~**Addition (to an existing Structure) (see Floodplain regulations - §157.412(B), Definitions)**~~

Adjacent

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

Administrative Manual

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

Adult Care Center

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

(1) While unattended by a relative, legal guardian, or custodian;

(2) For regular compensation; and

(3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

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

Adult Care Home

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

~~**Aerator (see Floodplain regulations - §157.412(B), Definitions)**~~

Agricultural Building or Structure

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

Agricultural Fence (see "Fence, Agricultural")

Agricultural Livestock Operation

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

Agricultural Livestock Operation, High Intensity

An agricultural operation where the number of animals exceeds the maximum permitted as part of a "**low intensity livestock operation**". New **high intensity agricultural livestock operations** shall not be permitted within the **City** of Fort Wayne.

Airstrip (Private)

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

Alley

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

~~**Alteration of a Watercourse (see Floodplain regulations - §157.412(B), Definitions)**~~

Amortization

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

Animal Hospital

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

Animal Keeping (Small)

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

Animal Kennel

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

Animal Service

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

Antique Shop

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

Apiculture

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

Apparel and Accessory Store

A retail store selling clothing and related items.

Apparel Fabrication and Processing

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

~~**Appeal (see Floodplain regulations - §157.412(B), Definitions)**~~

Approach Slopes (see Airport Overlay District definitions)

Approach Surface (see Airport Overlay District definitions)

Aquaculture

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

Aquaponics

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

Arbor

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

Arcade

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

~~**Area of Special Flood Hazard (see Floodplain regulations – §157.412(B), Definitions)**~~

Arena

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

Art Gallery

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

Arterial Street (see "Street, Arterial")

Arterial, Minor (see "Street, Arterial")

Arterial, Principal (see "Street, Arterial")

Artisan Space

This **use** is available in the **Riverfront Overlay District** only. A retail or service establishment where hand-tools, mechanical tools and electronic tools can be used to manufacture artisan finished products or parts. This includes design, processing, fabrication, assembly, treatment, and packaging of products, as well as the incidental storage, sales, and distribution of such products. This differs from other forms of manufacturing, as the scale of production is artisanal in scale, any noise, odor, or detectable vibration are minimal.

Artist Studio

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

Asphalt Plant

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

Barber Shop

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

~~**Base Flood (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Base Flood Elevation (BFE) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Basement (see Floodplain regulations - §157.412(B), Definitions)**~~

Beauty Shop

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

Bed And Breakfast

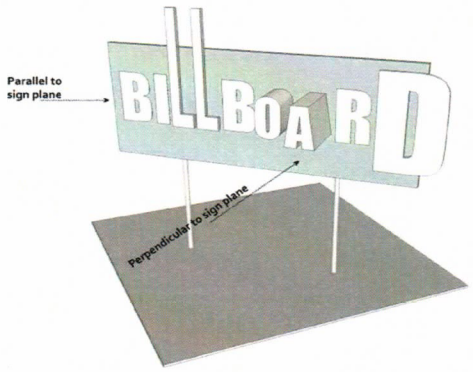
A house or portion of a house where short-term (up to 10 days) lodging rooms and meals are provided for compensation. The operator(s) shall live on the **lot**.

Betting or Gambling Facility

A structure or facility in which games of chance are performed by a for-profit or non-profit organization, including off-track betting, where permanent tables are not present. This definition does not include **casino**.

Billboard Embellishment

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



Bingo Establishment

A structure or facility in which bingo operations are performed by a for-profit or non-profit organization.

Block

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

Board

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

Board of Public Works

The Fort Wayne **Board of Public Works**.

Board of Zoning Appeals (BZA) (see "Board")

Boarding House

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

Bond

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

Bottling Facility

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

~~**Boundary River (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Boundary River Floodway (see Floodplain regulations - §157.412(B), Definitions)**~~

Brewery

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

Brewery (Micro)

An establishment where ale, beer, mead and/or similar beverages are brewed, typically in conjunction with a **bar** or **restaurant use**. Annual production will typically not exceed 15,000 barrels per year. A micro winery or similar use shall also be included under this definition.

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

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

Common Area

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

~~**Community (see Floodplain regulations - §157.412(B), Definitions)**~~

Community Facility

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

Community Garden

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

Comprehensive Plan

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

Concrete Plant

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

Conditions

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

Condominium

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

Condominium Development

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

Condominium Unit

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

Corner Visibility Area

The following areas, in which no **fence**, **retaining wall**, **hedge**, or other planting, **building**, or **structure** that would impede vision between a height of three (3) and eight (8) feet shall be located, except that this restriction shall not apply to **buildings** in the DC and DE **district**:

(1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.

(2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

Corporate Campus

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

Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a **correctional services facility** or a **Residential re-entry facility**.

Correctional Services Facility

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

Country Club

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

County

Allen **County**, Indiana.

Credit Union

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

Crematory

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

~~**Critical Facility (see Floodplain regulations - §157.412(B), Definitions)**~~

Customer Service Facility

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

Dance Hall

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

Dance Studio

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

Detoxification Facility

An inpatient medical care facility where individuals suffering from substance abuse receive round-the-clock or daily medical care and oversight from licensed physicians and nurses, and from which they may be released to their residence or referred to a **Group Residential Facility, FHAA (Large or Small)**, for continued residential treatment for substance abuse. Overnight patient stays shall be permitted as a part of this use but shall not exceed 45 days.

Developer

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

Development

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

~~**Development (see Floodplain regulations - §157.412(B), Definitions)**~~

Development Site

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

Developmental Disability

A severe, chronic disability of an individual that:

(1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);

(2) Is manifested before the individual is 22 years of age;

(3) Is likely to continue indefinitely;

(4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and

(5) Results in substantial limitation in at least three of the following:

(a) self-care;

(b) receptive and expressive language;

(c) learning;

(d) mobility;

(e) self-direction;

(f) capacity for independent living; and

(g) economic self-sufficiency.

Developmentally Disabled Individual

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

Distillery

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

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand-alone facility or in conjunction with a **brewery** or winery. Annual production will typically not exceed 10,000 barrels per year.

~~**Dry Hydrant (see Floodplain regulations – §157.412(B), Definitions)**~~

Duplex (see **"Dwelling, Two Family)**

Dwelling

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

Dwelling, Multiple Family

A **building** or portion of a **building** that does not meet the definition of a **group residential facility, FHAA (large)**, and that is used for occupancy by:

(1) three (3) or more **families** living independently of each other

(2) more than eight (8) unrelated individuals sharing a single housekeeping unit

For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable.

Dwelling, Single Family (Attached) (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Townhouse (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Two Family

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 700 square feet of **gross floor area**, not including attached **garage** space if applicable.

Dwelling Unit, Residential

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

Dwelling Unit, Efficiency

A **dwelling** unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

Dwelling, Zero Lot Line Single Family

A **single family detached dwelling** unit placed on the **lot** or **parcel** so that it is positioned along one or more side **lot lines** and attached to one or more similar units.

Dwelling, Zero Lot Line Two Family

A Two family dwelling unit placed on a lot or **parcel** so that it is positioned along one or more side lot lines and attached to one or more similar units.

Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

Easement, Roadway

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

Easement, Utility and Service

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

Educational Institution

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

~~**Elevation Certificate (see Floodplain regulations – §157.412(B), Definitions)**~~

Emergency Response Facility

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

Emergency Shelter

A facility that provides temporary housing without charge for persons:

(1) Whose regular residence has become uninhabitable due to fire, **flood**, or Act of God, while that residence can be repaired or replaced, or until other permanent housing arrangements can be made, but not to exceed a period of six months, or

(2) Persons who have no regular residence that could be endangered during periods of weather and health events where lack of shelter would create a significant risk to their health.

Employment Agency

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

Enclosed Area

A **structure** that has two or more exterior **walls**.

Engine Repair

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

Engineer (see "Professional Engineer")

Entertainment Facility

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

Equipment Rental, General

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

Equipment Rental, Limited

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

Equipment Supply Facility

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

Exempt Division of Land

A division of a **parcel** of land into two (2) or more **tracts** that qualifies as an **exempt division of land** pursuant to §157.303(C)(2).

Exhibit Hall

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

~~**Existing Manufactured Home Park or Subdivision (see Floodplain regulations – §157.412(B), Definitions)**~~

~~**Expansion to an Existing Manufactured Home Park or Subdivision (see Floodplain regulations – §157.412(B), Definitions)**~~

Expressway - Freeway

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

Exterminator

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

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

Façade

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

Façade, Primary

Any face of a **building** that has **frontage** on a **public street**. **Buildings** on **corner lots** will have two or more **primary façades** according to the number of **public streets** fronted.

Façade Renovation, Major

Replacement of existing features with new features that are different in terms of material, type, size, or color, excluding painting of typically painted or previously painted materials or surfaces, including substantive exterior alterations that result in a change in design, materials, or general appearance. This definition shall not include interior alterations or routine maintenance that does not affect exterior appearance.

Façade Renovation, Minor

Replacement of existing features in kind or routine maintenance of features including painting of typically painted or previously painted materials or surfaces.

Façade, Secondary

The side and rear **façades** of a **structure**. **Secondary façades** will have no **frontage** on **public streets**, but may have **frontage** on public **alleys**.

Fair Housing Amendments Act of 1988 (FHAA)

The **Fair Housing Amendments Act of 1988 (FHAA)**, as amended and as interpreted by the courts, which prohibits discrimination on the basis of race, color, national origin, religion, sex, family status, or disability in housing sales, rentals, or financing. These categories are considered protected classes by the FHAA.

Fairground

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

Family

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

Farmers Market

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

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

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

Fee

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

Feed Store

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

~~**FEMA (see Floodplain regulations – §157.412(B), Definitions)**~~

Financial Planning Service

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

Flood ~~or Flooding~~ (see Floodplain management regulations ~~- §157.412(B), Definitions~~)

~~**Flood Insurance Rate Map (FIRM) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Insurance Study (FIS) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Prone Area (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Protection Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Floodplain (see Floodplain management regulations ~~- §157.412(B), Definitions~~)

~~**Floodplain Management (see Floodplain regulations - §157.412(B), Definitions)**~~

Floodplain Management Regulations ~~(see Floodplain regulations - §157.412(B), Definitions)~~

Floodplain management regulations are managed by the Fort Wayne City Utilities Department.

~~**Floodproofing (Dry Floodproofing) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Floodproofing Certificate (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood-Related Erosion (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Floodway (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Freeboard (see Floodplain regulations - §157.412(B), Definitions)**~~

Fraternal Organization

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

Fraternity House

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

~~**Freeboard (see Floodplain regulations - §157.412(B), Definitions)**~~

Freight Service

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

~~**Fringe (see Floodplain regulations - §157.412(B), Definitions)**~~

Frontage

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

Full Cutoff

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

~~**Functionally Dependent Use (see Floodplain regulations - §157.412(B), Definitions)**~~

~~Glacial Stone (see Floodplain regulations – §157.412(B), Definitions)~~

Glare

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

Golf Course

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

Golf Course (Miniature)

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

Golf Driving Range

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

Government Facility

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

Greenhouse

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

Grocery Store

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

Gross Floor Area

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

Ground Floor Area

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

Group Residential Facility, FHAA (Large)

A residential facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

(1) a residential facility for individuals who are developmentally disabled or mentally ill, or

(2) other residential facility if the facility houses more than eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

(1) homeless individuals or

(2) individuals participating in a **residential re-entry facility** for purposes other than treatment for drug or alcohol abuse.

Group Residential Facility, FHAA (Small)

A residential facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

(1) a residential facility for individuals who are developmentally disabled or mentally ill or

(2) other residential facility that houses up to eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

(1) homeless individuals, or

(2) individuals participating in a residential re-entry facility for purposes other than treatment of drug or alcohol abuse.

Growth (see Airport Overlay District definitions)

~~**Hardship (see Floodplain regulations – §157.412(B), Definitions)**~~

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

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

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

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

Hazardous Waste Disposal Area

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

Hazardous Waste Treatment, Storage and/or Disposal Facility

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

Health Care Facility

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

Health Club

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

Hedge

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

Heliport

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

Heliport (Private)

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

~~**Highest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Historic District, Local

Any site, **building**, **structure**, object, landscape (or collection of sites, **buildings**, **structures**, objects, or landscapes) which has obtained official historic status through local designation by the Fort Wayne Historic Preservation Commission.

Historic Site

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

~~**Historic Structure (see Floodplain regulations - §157.412(B), Definitions)**~~

Holiday Decorations

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

Home Workshop

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

Homeless Shelter

A supervised private facility that provides temporary living accommodations, and that may provide additional support services, for homeless individuals. A homeless shelter may be a primary or accessory use of a lot.

Hospice Care Center

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

Hospital

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

Hotel

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

~~**Hydrologic and Hydraulic Engineering Analysis (see Floodplain regulations - §157.412(B), Definitions)**~~

Hydroponics

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

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

Improvement Location Permit (ILP)

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

Infrastructure

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

Instruction/Training/Education

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

Instrument Landing Procedure (see Airport Overlay District definitions)

Interior Lot (see "Lot, Interior")

~~**International Code Council Evaluation Service (ICC-ES) Report (see Floodplain regulations – §157.412(B), Definitions)**~~

Junk Material

Materials, including but not limited to the following:

(1) **automobile** or machinery equipment or parts, including used **automobile** tires;

(2) **building/infrastructure** construction materials;

(3) cloth and clothing;

(4) construction materials;

(5) electronics or furniture;

(6) **garbage, refuse**, **trash**, or debris;

(7) manufactured clay and porcelain products;

(8) manufactured plastic products;

(9) manufactured rubber products;

(10) **motor vehicles**, or **motor vehicle** equipment or parts;

(11) paper and paper products;

(12) recyclable products of all kinds;

(13) scrap metal;

(14) wood and wood products; and

(15) wrecked and/or dismantled **automobiles** and machinery.

Junk Yard

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

Laboratory

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

Land Surveyor

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

Landing Field, Private

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

Landscape Buffer

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

Landscape Elements

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

Landscape Planting Area

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

Landscape Screening

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

Large Satellite Dish (see "Satellite Dish, Large")

Laundromat

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

~~**Letter of Final Determination (LFD) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Letter of Map Change (LOMC) (see Floodplain regulations - §157.412(B), Definitions)**~~

Library

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

Limited Assembly and Fabrication

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

Limited Equipment Rental (see "Equipment Rental, Limited")

Live-Work Unit

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

Lot Line, Rear

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

Lot Line, Side

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

~~**Lowest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Lowest Floor (see Floodplain regulations - §157.412(B), Definitions)**~~

Lumens

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one (1) **candela**. One foot-candle is one lumen per square foot.

Machine Tool Shop

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

~~**Manufactured Home (see Floodplain regulations - §157.412(B), Definitions)**~~

Manufactured Home Park

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

~~**Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

Manufactured Home, Type I

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

(1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;

(2) Consist of two or more sections;

(3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;

(4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;

(5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and

(6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

Manufactured Home, Type II

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

(1) Contain at least seven hundred (700) square feet of **occupied space** per **dwelling** unit;

(2) Be a double or multiple section unit;

(3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;

(4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;

(5) Have the wheels, axles, and hitch mechanisms removed;

(6) Have siding and roofing material of a type customarily used on **dwelling**s constructed on-site;

(7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and

(8) Have been constructed after January 1, 1981.

Manufactured Home, Type III

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

(1) Be properly connected to all utilities necessary for the occupancy of the unit; and

(2) Be set on piers and properly skirted, with wheels and axles removed.

Manufacturing

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

~~**Market Value (see Floodplain regulations - §157.412(B), Definitions)**~~

Massage Therapy Establishment

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

Master Sign Plan

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

Medical Office

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

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder or other disability that:

(1) Substantially disturbs an individual's thinking, feeling, or behavior; or

(2) Impairs the individual's ability to function; or

(3) Is considered a disability by Indiana Code, the federal **Fair Housing Amendment Act of 1988 (FHAA)**, or the Americans with Disabilities Act of 1991, or with federal regulations promulgated pursuant to those Acts, as any of those codes or acts or their regulations have interpreted by the courts; or

(4) Addiction to narcotics, stimulants, cannabis, alcohol, and other substances.

Mentally Ill Individual

An individual with **mental illness**.

Minimum Building Elevation

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

Mirrored Glass

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

Mitigation

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

~~**Mitigation (see Floodplain regulations – §157.412(B), Definitions)**~~

Mixed-Use Building

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

Mixed-Use Development

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

Mobile Food Service Unit

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

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

Mobile Home Park (see "Manufactured Home Park")

Multiple Family Complex

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

Multiple Family Complex, High Rise

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

Mural

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

Museum

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

Name Plate

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

~~**Natural Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Nature Preserve

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

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

Navigable Airspace (see Airport Overlay District definitions)

Neighborhood Center

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

Neighborhood facility

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

~~**New Construction (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**New Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

Newspaper Publishing Facility

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

Nightclub

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

Nits

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

Noise Impact (see Airport Overlay District definitions)

Nonconforming Building/Structure

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

Nonconforming Use

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

Nonresidential District

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

~~**North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 (see Floodplain regulations – §157.412(B), Definitions)**~~

Nursery School (see "Preschool")

Nursing Home

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

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

~~**Obstruction (see Floodplain regulations – §157.412(B), Definitions)**~~

Occupied Space

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

Office, Professional

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

~~**One-Percent Annual Chance Flood (see Floodplain regulations – §157.412(B), Definitions)**~~

Personal Services

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

Pet Store

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

Photography Studio

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

~~**Physical Map Revision (PMR) (see Floodplain regulations – §157.412(B), Definitions)**~~

Plan Commission (PC) (see "Commission")

Planning Jurisdiction

That land lying within the incorporated boundaries of Fort Wayne and any additional areas where extra-territorial **planning jurisdiction** has been granted by the Allen **County** Commissioners.

Planning Staff

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

Plant Nursery

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

Plat

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

Plat, Major

A **subdivision** of a **parcel** of land that is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen **County Recorder's** office; excluding an **exempt division of land** under §157.303(C)(2) and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, DC, DE, UC or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted, unless the **plat** is replatted.

Plat, Minor

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

Plat Committee

A group of officials appointed by the **Plan Commission** to hold hearings on and dispose of **subdivision** applications on behalf of the **Commission**.

Play Equipment

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

Police Station

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

Porch, Open

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

Portable Storage Container

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

~~**Prefabricated Building (see Floodplain regulations - §157.412(B), Definitions)**~~

Preschool

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

Primary Building (see "Building, Primary")

Primary Surface (see Airport Overlay District definitions)

~~**Principally Above Ground (see Floodplain regulations - §157.412(B), Definitions)**~~

Printing Services

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

Professional Engineer

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

Professional Office (see "Office, Professional")

Professional Office/Business Service

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

Protected Class

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

~~**Public Freshwater Lake (see Floodplain regulations - §157.412(B), Definitions)**~~

Public Park (see "Park or Recreation Area, Public")

Public Sewer Facility

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

Public Utility

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

Public Water Facility

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-**public utility**.

Public Works Use, Temporary

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

Radio Station

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

Radio Tower (Amateur)

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

Reasonable Accommodation or Modification

A request that the City provide "reasonable accommodation" or "reasonable modifications" to the provisions of this Zoning Code pursuant to the federal **Fair Housing Amendments Act of 1988** or the Americans with Disabilities Act of 1991

Reception Hall

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

Recorder

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

Recreation, Indoor

A private indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including axe throwing, bowling alleys, ping pong, rock climbing, skating rinks, **swimming pools**, tennis **clubs**, trampoline parks and other similar use. This use shall not include **public parks**.

Recreation, Outdoor

A private outdoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers. **Structures** are typically required by or are part of the use. Recreation areas shall include **athletic fields**, boating, **campgrounds**, canoeing, **golf driving range**, fishing, **golf courses**, non-motorized trail riding, **swimming pool**s, swimming beaches, outdoor games and sports, volleyball or **tennis courts**, zip lining and similar uses. This use shall not include **public parks**.

Recreational Vehicle ~~**(see Floodplain regulations - §157.412(B), Definitions)**~~

A vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recycling Collection Point

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

Recycling Processing Facility

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

Refinery

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

Refuse

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

~~**Regulatory Flood** (see **Floodplain regulations** – §157.412(B), Definitions)~~

Rehabilitation Facility

An inpatient facility that provides skilled nursing care and intensive rehabilitative services, as well as round-the-clock medical care or oversight, for individuals who have been released from a hospital or medical facility after treatment for an injury, surgery, or medical procedure to allow continued recovery at lower cost than a hospital before returning to their residence. Overnight patient stays shall be permitted as part of this use. This definition shall not include detoxification facility.

Rehabilitation/Renovation

The act or process of improving a **structure's** condition through repair and alterations while respecting those features **significant** to its architectural, historic or cultural value.

Religious Institution

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

Rental and Leasing Store

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

Research and Development Facility

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

Research and Scientific Laboratory

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

Residential Condominium Development

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

Residential District

The AR, R1, R2, R3, RP, MHS, and MHP **zoning districts**.

Riding Stable, Residential

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

Right-of-Way

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

~~**Riverine (see Floodplain regulations – §157.412(B), Definitions)**~~

Root Parcel of Land

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

Runway (see Airport Overlay District definitions)

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

Sales Yard

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

Salvage Yard

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

Sanitary Landfill

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

Satellite Dish, Large

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

Satellite Dish, Small

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

Savings and Loan

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

Solid Waste

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

(1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the **City** Code;

(2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);

(3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or

(4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

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

(1) Collection containers for **solid waste**;

(2) The transfer of **solid waste** at the point of generation;

(3) A **recycling processing facility** that receives distinct and recognizable **solid waste** items that fall under the definition of "**recycling processing facility**";

(4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or

(5) A facility that generates **solid waste**.

Sorority House

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

Special Event

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

~~**Special Flood Hazard Area (SFHA) (see Floodplain regulations - §157.412(B), Definitions)**~~

Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to §157.503(D) and the other applicable provisions of this ordinance prior to commencing the **use**.

Stadium/Racetrack

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

~~**Start of Construction (see Floodplain regulations - §157.412(B), Definitions)**~~

Steeple

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

~~**Stem Wall Foundation, Backfilled (see Floodplain regulations - §157.412(B), Definitions)**~~

Stoop

A small set of stairs ending in a platform leading to the entrance of a **building**.

Storage

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

Storage Building

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

Storage Shed (see "Shed")

Story

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

Story-Half

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

Structure

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

~~**Structure (see Floodplain regulations - §157.412(B), Definitions)**~~

Structure, Primary (see Building, Primary)

Structure, Temporary

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

Studio

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

Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **exempt division of land** pursuant to §157.303(C)(2). The following classifications shall also be included under this definition:

(1) **Subdivision, Major**

A **subdivision** of land meeting the definition of a **Major Subdivision** in §157.303(C)(4).

Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §157.303(C)(3).

Substantial Change

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

~~**Substantial Damage (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Substantial Improvement (see Floodplain regulations - §157.412(B), Definitions)**~~

Supermarket (See "Grocery Store")

Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

Synagogue (see "Religious Institution")

Tavern (see "Bar")

Television Station

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

Temple (see "Religious Institution")

~~**Temporary structure (Public Freshwater Lakes only) (see Floodplain regulations - §157.412(B), Definitions)**~~

Tennis Court

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tire Sales

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

Top Roof Line

The principal top edge of the roof of a **building**.

Townhouse Complex (see **"Multiple Family Complex")**

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

Transition

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

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an **arterial** or **collector** roadway.

Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within **building**(s) or **structure**(s) or on a **lot**, **tract**, or **development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for **group residential facility, FHAA (small)**, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, **structures**, or other facilities used or intended to be used by any **private utility** other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Fixture (see "Utility Fixture, Accessory")

Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **on-site sewage system** or septic tank covers, pumps, inspection pipes, **solar panels** (**building** mounted), utility connection enclosure boxes, electric vehicle charging stations, or well heads.

Utility Runway (see Airport Overlay District definitions)

~~**Variance (see Floodplain regulations - §157.412(B), Definitions)**~~

Veterinary Clinic (see "Animal Hospital")

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

~~**Violation (see Floodplain regulations - §157.412(B), Definitions)**~~

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement

Wall

The vertical exterior surface of a **building** or **structure**.

~~**Walled and Roofed (see Floodplain regulations - §157.412(B), Definitions)**~~

Wall, Freestanding (see "Fence")

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a **self-service storage (mini-warehouse) facility**.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

~~**Watercourse (see Floodplain regulations - §157.412(B), Definitions)**~~

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "**Wetlands**" generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as "marsh" in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as "poorly drained" and "very poorly drained" and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight **terminal**s; bus barns; **parcel** services; major post offices; grain **terminal**s; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see Airport Overlay District definitions)

Wind Energy Conversion System

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Wind Energy Conversion System, Micro

A building-mounted wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than twelve (12) feet above the highest point of the roof.

FACT SHEET

Case # ZORD-2026-0008 Bill # G-26-09-25 Project Start: October 2026

PROPOSAL:	Zoning Ordinance Amendment ZORD-2026-0008 – Fort Wayne Floodplain Amendment
APPLICANT:	Department of Planning Services
REQUEST:	To adopt an amendment to the Fort Wayne Zoning Ordinance, which amends or repeals and replaces the text of the following Sections: Section 157.100 (General Provisions) Section 157.400 (Additional General Standards) Section 157.500 (Administration)
AFFECTED AREA:	Fort Wayne Planning Jurisdiction
COUNCIL DISTRICT:	All
SPONSOR:	City of Fort Wayne Plan Commission

October 12, 2026 Public Hearing

- No one spoke in support or with concerns.
- Paul Sauerteig, Karen Richards and Scott Myers were absent.

October 19, 2026 Business Meeting
Plan Commission Recommendation: DO PASS
A motion was made by Scott Myers and seconded by Patrick Zaharako to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

- Paul Sauerteig and Karen Richards were absent.

7-0 MOTION PASSED

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
October 30, 2026

PROJECT SUMMARY

This set of Floodplain amendments is proposed to:

1) Realign duties between Departments for more efficient government procedures; and
2) Remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU).

A summary of the proposed 2026 Floodplain amendments are below; the proposed effective date is January 1, 2027.

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 • October 2026

PROPOSAL:	Zoning Ordinance Amendment ZORD-2026-0008 – FW Floodplain Amendment
APPLICANT:	Department of Planning Services
REQUEST:	Remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU)
AFFECTED AREA:	Fort Wayne Planning Jurisdiction

The Plan Commission recommends that Rezoning Petition ZORD-2026-0008 be returned to the Fort Wayne City Council with a "Do Pass" recommendation.

These findings approved by the Fort Wayne Plan Commission on October 19, 2026.

Benjamin J. Roussel
Executive Director
Secretary to the Commission

DRAFT Fort Wayne Zoning Ordinance

Floodplain Amendments Summary

This set of Floodplain amendments is proposed to:

1) Realign duties between Departments for more efficient government procedures; and
2) Remove Fort Wayne Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Fort Wayne Floodplain Administrator duties to the Fort Wayne City Utilities (FWCU).

A summary of the proposed 2026 Floodplain amendments are below; the proposed effective date is January 1, 2027.

Draft Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
TOC 1	Table of Contents FW (3)	Remove Floodplain Administrator duties from the Department of Planning Services (DPS) and convey the Floodplain Administrator duties to Fort Wayne City Utilities (FWCU).	Replaced "Floodplain" with "Reserved"
OD 1	Overlay Districts FW (6)	§157.113 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "the Floodplain regulations"
AGS 1	Additional General Standards FW (197)	§157.401 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "and floodplain management"
DDS 1	Development Design Standards FW (209)	§157.404 (H) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed reference to existing location of floodplain management regulations and added "managed by the Fort Wayne City Utilities Department"
DDS 2	Development Design Standards FW (217)	§157.404 (W) (6) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "§157.412 (Floodplain)"
FP 1	Floodplain FW (295-329)	§157.412 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced entire Floodplain section with "Reserved"
PRO 1	Procedures FW (355)	§157.503 (D) (1) Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "Flood control improvement project/non-permitted fill, private" from the Special Uses table

Draft Summary of Amendments			
No.	**Keyword/Reference AC/FW**	**Issue**	**Proposed Amendments**
DEF 1	Definitions FW (382-457)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed all referenced floodplain definition terms.
DEF 2	Definitions FW (383)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "For the purposes of the floodplain regulations, adjacent shall mean "adjoining"" from the definition of adjacent.
DEF 3	Definitions FW (402)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Removed "management" from the definition of Common Area.
DEF 4	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Flood.
DEF 5	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Floodplain.
DEF 6	Definitions FW (413)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Added "Floodplain management regulations are managed by the Fort Wayne City Utilities Department" as the definition of Floodplain Management Regulations.
DEF 7	Definitions FW (437)	§157.506 Remove Floodplain Administrator duties from DPS and convey these duties to FWCU.	Added "A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use." as the definition of Recreational Vehicle.

Draft Redline

ZORD-2026-0008

Fort Wayne Floodplain Amendment

§ 157.111 INTERPRETATION

In cases where the provisions of this ordinance require interpretation, the interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission**, **Board of Zoning Appeals**, definitions used in State or Federal law, or other **Department of Planning Services** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

§ 157.112 MINIMUM REQUIREMENTS

Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **City**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **City**.

§ 157.113 OVERLAY DISTRICTS

This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource. Overlay **districts** shall include the **Airport Overlay Districts**, ~~the Floodplain regulations,~~ and the **Riverfront Overlay District**.

§ 157.114 RELATION TO PLANS

In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

§ 157.115 RELATION TO OTHER LAWS AND REGULATIONS

(A) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.

(B) This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

(C) Reasonable accommodations or modifications to this ordinance may be approved as necessary to comply with the federal **Fair Housing Amendments Act of 1988** or the Americans with Disabilities Act of 1991, pursuant to §157.502(A)(2)(d).

ADDITIONAL GENERAL STANDARDS

§ 157.401 PURPOSE

The purpose of this chapter is to provide updated and aligned additional standards, requirements, and provisions for **accessory structures** and **uses**, **temporary structures** and **uses**, **development design standards**, **development** standards **waivers** and exceptions, **home occupations**, parking, landscape standards, **signs,** and **Airport Overlay Districts**, ~~and floodplain management,~~ along with a cross-reference to the existing Historic Preservation regulations.

(C) Compliance

All proposed development shall be in conformance with the applicable development design standards. Compliance shall be determined by the DPS staff in the case of zoning ordinance standards, and by the applicable reviewing agency staff in the case of non-zoning ordinance standards. Copies of required application materials, applicable fees, and non-zoning ordinance standards are available from DPS staff.

(D) Access

(1) General Standards

Complete access and traffic management facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development.

(2) Additional Standards for **Major Subdivisions**

(a) Each residential **lot** in the **Major Subdivision** shall have direct access to an existing, publicly maintained **street** by way of a platted **public street**, but no residential **lot** may directly access an **arterial street**.

(b) Each residential **lot** in the **Major Subdivision** shall front upon and have at least the minimum required **frontage** on a dedicated **public street** of sufficient width and improvement to meet the applicable agency standards and specifications.

(c) Each **Major Subdivision** shall have at least one point of connection between its internal **street** system and an adjoining **arterial, collector, or local street** for every one hundred (100) residential **lots**, or part thereof, located in the **Major Subdivision**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** shall be considered together.

(3) Additional Standards for **Minor Subdivisions**

Each **Minor Subdivision lot** shall have **frontage** on an existing improved non-arterial **street**.

(E) Airport Overlay Districts

All development proposals shall also be subject to the applicable provisions of the Airport Overlay Districts as set forth in §157.411.

(F) Block Layout

In Major Subdivisions, blocks shall be of sufficient dimension to allow two (2) tiers of lots of at least the minimum depth required by the zoning district in which the lots are located.

(G) Easements

Easements shall be provided as required by the applicable reviewing agency for utility lines, storm water drainage facilities, and pedestrian access. Easements shall be designed and laid out so that adequate utility service and storm drainage can be provided, and proper continuity exists between areas, uses, structures, **parcel**s, and developments. Easement widths and locations shall be shown.

(H) Floodplain

All proposed buildings, structures, and site development located within a Special Flood Hazard Area shall also comply with the **floodplain management regulations** ~~as set forth in §157.412~~ managed by the Fort Wayne City Utilities Department.

All **development** shall comply with the applicable **lot** area and **lot width** standards for the **zoning district** in which they are located, as set forth in §157.206-211.

(5) **Yard** Requirements

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in §157.206-224.

(6) Zoning Overlay **Districts**

All **development** proposals shall also be subject to all applicable provisions of Zoning Overlay **districts** including but not limited to the provisions of §157.410 (**Riverfront Overlay District** Standards), §157.411 (**Airport Overlay Districts**), ~~§157.412 (Floodplain),~~ and §157.413 (Historic Preservation).

(X) Design Standards (DC and DE)

(1) Purpose

The purpose of including **design standards** as part of Development Plan and Site Plan Review and certain other **development** proposals is to:

(a) Implement the design-based recommendations of the All In Allen **Comprehensive Plan**, the Downtown Fort Wayne Action Plan: Blueprint for the Future and the Riverfront Development Implementation Framework.

(b) Preserve and enhance the unique character of the community, including the Downtown area, by maintaining the integrity of areas with special significance;

(c) Foster attractive and functional design solutions;

(d) Protect and encourage public and private investments;

(e) Encourage new **development** and re**development** which is compatible with the character and pattern of existing **development**; and

(f) Provide design direction to property **owners**, **developers**, designers, and decision-makers.

(2) Design Review Process and Applicability

The Plan **Commission** has established a **Design Review Committee (DRC)** for conducting reviews, making recommendations, or taking action on **development** proposals in the DC and DE **zoning districts**, including the Riverfront Overlay District. All **Commission** and **Board** reviewed projects in the DC and DE **districts**, including the Riverfront Overlay District, shall also be reviewed in terms of the recommendations of the **Downtown Design Manual** and the **DRC**, except that projects located within local **historic districts** shall not be subject to design review. It is intended that the design review process generally take place as set forth in the table below.

This section shall be applicable to the following **development** proposals in the DC and DE **districts**, including the **Riverfront Overlay District**, as listed in the Project Type column within the table below:

§ 157.412 RESERVEDFLOODPLAIN

~~(A) Statutory Authorization, Findings of Fact, Purpose, and Methods~~

~~(1) Statutory Authorization~~

~~The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Fort Wayne does hereby adopt the following **floodplain management regulations**.~~

~~(2) Findings of Fact~~

~~The **flood hazard areas** of the City of Fort Wayne are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **flood** protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, **structures** that are inadequately elevated, floodproofed, or otherwise protected from **flood** damage also contribute to the **flood** loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.~~

~~(3) Statement of Purpose~~

~~It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to **flood** conditions in specific areas by provisions designed to:~~

~~(a) Protect human life and health;~~

~~(b) Minimize expenditure of public money for costly **flood** control projects;~~

~~(c) Minimize the need for rescue and relief efforts associated with **flooding** and generally undertaken at the expense of the general public;~~

~~(d) Minimize prolonged business interruptions;~~

~~(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in **floodplains**;~~

~~(f) Help maintain a stable tax base by providing for the sound use and **development** of **flood prone areas** in such a manner as to minimize **flood** blight area;~~

~~(g) Ensure that those who occupy the areas of special **flood** hazard assume responsibility for their actions;~~

~~(h) Minimize the impact of **development** on adjacent properties within and near **flood prone areas**;~~

~~(i) Ensure that the **flood** storage and conveyance functions of the **floodplain** are maintained;~~

~~(j) Minimize the impact of **development** on the natural, beneficial values of the **floodplain**;~~

~~(k) Prevent **floodplain** uses that are either hazardous or environmentally incompatible; and~~

~~(l) Meet **community** participation requirements of the National **Flood** Insurance Program~~

(4) Methods of Reducing **Flood** Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in **flood** heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against **flood** damage at the time of initial construction;

(c) Controlling the alteration of natural **floodplains**, stream channels, and natural protective barriers, which help accommodate or channel **flood** waters;

(d) Controlling filling, grading, dredging, excavating, and other **development** which may increase **flood** damage; and

(e) Preventing or regulating the construction of **flood** barriers, which will unnaturally divert floodwaters, or which may increase **flood** hazards in other areas.

(B) Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them meaning they have in common usage and to give this section its most reasonable application. The definitions listed below shall only apply to this section.

Alteration of a Watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the **base flood**.

Accessory Structure

Accessory structure with a floor area of 400 square feet or less that is on the same **parcel** of property as a principal **structure** and the use of which is incidental to the use of the principal **structure**; an **accessory structure** specifically excludes **structures** used for human habitation.

(1) **Accessory structures** are considered **walled and roofed** where the **structure** includes at least two outside rigid walls and a fully secured roof.

(2) Examples of **accessory structures** include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

(3) The following may have uses that are incidental or accessory to the principal **structure** on a **parcel** but are generally not considered to be **accessory structures** by the NFIP:

(a) **Structures** in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same **parcel** as a principal residence;

(b) **Structures** used by the public, such as a place of employment or entertainment; and,

(c) **Development** that does not meet the NFIP definition of a **structure** for **floodplain management** purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing Structure)

Any **walled and roofed** expansion to the perimeter of a **structure** in which the **addition** is connected by a common load-bearing wall other than a firewall. Any **walled and roofed addition**, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is **new construction**.

Aerator

A mechanical device placed within a **public freshwater lake** that is used to accomplish any of the following:

(1) Increase the amount of dissolved oxygen in the water.

(2) Increase the decomposition of organic materials.

(3) Alter water flow or circulation.

(4) Reduce icing.

(5) Enhance audio or visual enjoyment by bubbling or spraying water.

Appeal

A request for a review of the **floodplain** administrator's interpretation of any provision of this section, a request for a **variance**, or a challenge of a board decision.

Area of Special Flood Hazard

The land within a **community** subject to a one (1) percent or greater chance of being flooded in any given year.

Base Flood

The **flood** having a one percent chance of being equaled or exceeded in any given year. The **base flood** may also be referred to as the 1% annual chance **flood** or one hundred (100) year flood.

Base Flood Elevation (BFE)

Means the water surface elevation of the **base flood** in relation to a specified datum, usually the **North American Vertical Datum of 1988**.

Basement

That portion of a **structure** having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL)

Floodplain studies and any corresponding **floodplain** maps prepared and/or approved by the Indiana Department of Natural Resources which provide **base flood elevation** information, **floodplain** limits, and/or **floodway** delineations for **flood** hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the **flood** hazard is not identified on available **floodplain** mapping.

Building – See "Structure."

Community

A political entity that has the authority to adopt and enforce **floodplain** ordinances for the areas within its jurisdiction.

Development

Development means, for **floodplain management** purposes, any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a **structure** or any **addition** to a **structure**;

(2) installing a **manufactured home** on a site, preparing a site for a **manufactured home** or installing a **recreational vehicle** on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of **flood** control **structures** such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of boat lifts, docks, piers and seawalls;

(7) construction and/or reconstruction of bridges or culverts;

(8) storage of materials; or

(9) any other activity that might change the direction, height, or velocity of **flood** or surface waters.

"**Development**" does not include activities such as the maintenance of existing **structures** and facilities such as painting; reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent **structures**.

Dry Hydrant

A **structure** that does both of the following:

(1) Extends lakeward of the legally established or average normal waterline or shoreline.

(2) Provides a means of suction water supply without direct drafting for fire protection.

Elevation Certificate

A **FEMA** form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure)

An area of a **structure** enclosed by walls on all sides.

Enclosure below the lowest floor - See "Lowest Floor" and "Enclosed Area."

Existing Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the **lots** on which the **manufactured homes** are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 24, 1974.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA

The Federal Emergency Management Agency.

Fill

Fill for **floodplain management** purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the **natural grade** elevation. **Fill** material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides (i.e., mudflows) which are proximately caused by **flooding** and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or **flooding** also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a **flood** as defined above.

Flood Hazard Area

Areas subject to the one percent annual chance flood. (See "**Special Flood Hazard Area**")

Flood Insurance Rate Map (FIRM)

An official map of a **community**, on which **FEMA** has delineated both the areas of special **flood** hazard and the risk premium zones applicable to the **community**. A **FIRM** that has been made available digitally is called a Digital **Flood Insurance Rate Map** (DFIRM).

Flood Insurance Study (FIS)

The official hydraulic and hydrologic report provided by **FEMA**. The report contains **flood** profiles, as well as the **FIRM** and the water surface elevation of the **base flood**.

Flood Prone Area

Any land area acknowledged by a **community** as being susceptible to inundation by water from any source. (See "**Floodplain**")

Flood Protection Grade (FPG)

The **BFE** plus two (2) feet at any given location in the **SFHA**. (see "**Freeboard**")

Flood-Related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash **flood** or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in **flooding**.

Floodplain

Floodplain or **flood prone area** means any land area susceptible to being inundated by water from any source. (See "Flood")

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing **flood** damage and preserving and enhancing, where possible, natural resources in the **floodplain**, including but not limited to emergency preparedness plans, **flood** control works, **floodplain management regulations**, and open space plans.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, **building** codes, health regulations, special purpose ordinances (such as a **floodplain** ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control **development** in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of **flood** damage prevention and reduction.

Floodproofing (Dry Floodproofing)

A method of protecting a **structure** that ensures that the **structure**, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic **flood** forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate

A form used to certify compliance for non-residential **structures** as an alternative to elevating **structures** to or above the **FPG**.

Floodway

The channel of a river or other **watercourse** and the adjacent land areas that must be reserved in order to discharge the **base flood** without cumulatively increasing the water surface elevation more than a designated height.

Freeboard

A factor of safety, usually expressed in feet above the **BFE**, which is applied for the purposes of **floodplain management**. It is used to compensate for the many unknown factors that could contribute to **flood** heights greater than those calculated for the **base flood**.

Fringe

The portion of the **floodplain** lying outside the **floodway**.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Glacial Stone

A rounded stone that satisfies each of the following:

(1) Was produced by glacial activity.

(2) No individual stone weighs more than one hundred twenty (120) pounds.

(3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.

Hardship (as Related to Variances of This Section)

The exceptional **hardship** that would result from a failure to grant the requested **variance**. The City of Fort Wayne Board of Zoning Appeals requires that the **variance** is exceptional, unusual, and peculiar to the property involved. Mere economic or financial **hardship** alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional **hardship**. All of these problems can be resolved through other means without granting a **variance**, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the **parcel** to a different use than originally intended.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to the **start of construction**, next to the proposed walls of a **structure**.

Historic Structure

Any **structure** that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the National Park Service) or preliminarily determined by either the Indiana DNR Division of Historic Preservation and Archaeology, or by the National Park Service as meeting the requirements for individual listing on the National Register; or

(2) certified or preliminarily determined by either the Indiana DNR Division of Historic Preservation and Archaeology, or by the National Park Service as a "contributing property" in a historic district listed in the National Register of Historic Places, or in a historic district preliminarily determined by the Indiana DNR Division of Historic Preservation and Archaeology or the National Park Service as meeting the eligibility for listing in the National Register; or

(3) individually listed, with a rating of "Outstanding" in the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) Historic Resources Inventory, the Indiana SHAARD GIS map site, or any successors to these data platforms; or

(4) individually listed as a Fort Wayne local historic district or a contributing **building** or historic resource within a Fort Wayne multi-property historic district; or

(5) a "Notable" or "Outstanding" individual property, or a contributing resource in a listed or eligible historic district included in the Fort Wayne Cultural Resources Inventory; or

(6) if individually listed, with a rating of "Notable" in the Indiana SHAARD Historic Resources Inventory, the Indiana SHAARD GIS map site, or if a **building** does not fall into any of these categories but is questionable in its absence, consult with the City of Fort Wayne Historic Preservation Staff.

Hydrologic and Hydraulic Engineering Analysis

Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and **FEMA**, used to determine the **base flood**, other frequency floods, **flood** elevations, **floodway** information and boundaries, and **flood** profiles.

International Code Council Evaluation Service (ICC-ES) Report

A document that presents the findings, conclusions, and recommendations from a particular evaluation. **ICC-ES reports** provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD)

A letter issued by **FEMA** during the mapping update process which establishes final elevations and provides the new **flood** map and **flood** study to the **community**. The **LFD** initiates the six-month adoption period. The **community** must adopt or amend its **floodplain management regulations** during this six-month period unless the **community** has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC)

A general term used to refer to the several types of revisions and amendments to **FEMA** maps that can be accomplished by letter. They are broken down into the following categories:

(1) Conditional Letter of Map Revision (CLOMR) means **FEMA** comment on a proposed project that would, upon construction, result in modification of the **SFHA** through the placement of **fill** outside the existing regulatory **floodway**.

(2) Conditional Letter of Map Revision Based on **Fill** (CLOMR-F) means a letter from **FEMA** stating that a proposed **structure** that will be elevated by **fill** would not be inundated by the **base flood**.

(3) Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective **FEMA** map that establishes that a **building** or a portion of land is not located in a **SFHA** through the submittal of property specific elevation data. A LOMA is only issued by **FEMA**.

(4) Letter of Map Amendment Out as Shown (LOMA-OAS) means an official determination by **FEMA** that states the property or **building** is correctly shown outside the **SFHA** as shown on an effective NFIP map. Therefore, the mandatory **flood** insurance requirement does not apply. An out-as-shown determination does not require elevations.

(5) Letter of Map Revision (LOMR) means an official revision to the currently effective **FEMA** map. It is issued by **FEMA** and changes **flood** zones, delineations, and elevations.

(6) Letter of Map Revision Based on **Fill** (LOMR-F) means **FEMA** modification of the **SFHA** shown on the **FIRM** based on the placement of **fill** outside the existing regulatory **floodway**.

Lowest Adjacent Grade

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or **basement** entryway immediately next to the **structure**.

Lowest Floor

For **floodplain management** purposes, the lowest elevation described among the following:

(1) The **lowest floor** of a **building**.

(2) The **basement** floor.

(3) The garage floor if the garage is connected to the **building**.

(4) The first floor of a **structure** elevated on pilings or pillars.

(5) The floor level of any **enclosure**, other than a **basement**, below an elevated **structure** where the walls of the **enclosure** provide any resistance to the flow of floodwaters. Designs for meeting the **flood** opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

(a) The walls are designed to automatically equalize the hydrostatic **flood** forces on the walls by allowing for the entry and exit of floodwaters.

(b) At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of **enclosed area**. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

(6) The first floor of a **building** elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured Home

A **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "**manufactured home**" does not include a "**recreational vehicle**."

Manufactured Home Park or Subdivision

A **parcel** (or contiguous **parcel**s) of land divided into two or more **manufactured home** lots for rent or sale.

Market Value

The **building** value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. **Market value** can be established by independent certified appraisal or assessed values.

Mitigation

Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **mitigation** is twofold: to protect people and **structures**, and to minimize the cost of disaster response and recovery.

Natural Grade

Natural grade for **floodplain management** purposes means the elevation of the undisturbed natural surface of the ground. **Fill** placed prior to the date of the initial identification of the **flood** hazard on a **FEMA** map is also considered **natural grade**.

New Construction

New construction for **floodplain management** purposes means any **structure** for which the "**start of construction**" commenced on or after the effective date of a **floodplain management regulations** adopted by a **community** and includes any subsequent improvements to such **structures**.

New Manufactured Home Park or Subdivision

A **manufactured home park or subdivision** for which the construction of facilities for servicing the lots on which the **manufactured homes** are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 24, 1974.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993

A vertical control datum used as a reference for establishing varying elevations within the **floodplain**.

Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, **building**, wire, fence, rock, gravel, refuse, fill, **structure**, vegetation, or other material in, along, across or projecting into any **watercourse** which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent Annual Chance Flood

The **flood** that has a one percent (1%) chance of being equaled or exceeded in any given year. (see "**Regulatory Flood**").

Physical Map Revision (PMR)

An official republication of a **community's FEMA** map to effect changes to base (1-percent annual chance) **flood** elevations, **floodplain** boundary delineations, regulatory **floodways**, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional **flood hazard areas**, or correction to **base flood elevations** or **SFHAs**.

Prefabricated Building

A **building** that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete **building**.

Principally Above Ground

Means that at least 51 percent of the actual cash value of the **structure**, less land value, is above ground.

Public Freshwater Lake

A naturally formed lake (not man made) that has been used by the public with the acquiescence of a riparian owner. A listing of Indiana **public freshwater lakes** is maintained in Natural Resources Commission Information Bulletin #61.

Recreational Vehicle

A vehicle which is

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory Flood

A **flood** having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The **regulatory flood** elevation at any location is as defined in this section. The "**Regulatory Flood**" is also known by the term "**Base Flood**", "**One-Percent Annual Chance Flood**", and "100-Year Flood".

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA)

Synonymous with "areas of special **flood** hazard" and **floodplain**, means those lands within the jurisdiction of the City subject to a one percent or greater chance of **flooding** in any given year. **Special flood hazard areas** are designated by the Federal Emergency Management Agency on **Flood Insurance Rate Maps**, **Flood** Insurance Studies, Zones A, AE, A99, or VE. The **SFHA** includes areas that are **flood** prone and designated from other federal, state, or local sources of data including but not limited to **best available flood layer** maps provided by or approved by the Indiana Department of Natural Resources, historical **flood** information reflecting high water marks, previous **flood** inundation areas, and **flood** prone soils associated with a **watercourse**.

Start of Construction

Includes **substantial improvement**, and means the date the **building** permit was issued, provided the actual **start of construction**, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a **structure** on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a **manufactured home** on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a **basement**, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory **buildings**, such as garages or sheds not occupied as dwelling units or not part of the main **structure**. For a **substantial improvement**, the actual **start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a **building**, whether or not that alteration affects the external dimensions of the **building**.

Stem Wall Foundation, Backfilled

A solid perimeter foundation that is backfilled with compacted structural fill, concrete, or gravel that supports a floor slab (also called chain wall, raised slab on grade, and slab on stem wall with fill).

Structure

A **walled and roofed building**, including a gas or liquid storage tank, which is **principally above ground**. The term includes a **manufactured home**, as well as a **prefabricated building**. It also includes **recreational vehicles** installed on a site for more than 180 consecutive days.

Substantial Damage

Damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before damaged condition would equal or exceed 50 percent of the **market value** of the **structure** before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, **addition**, or other improvement of a **structure**, the cost of which equals or exceeds 50 percent of the **market value** of the **structure** before the "**start of construction**" of the improvement. This term includes **structures** that have incurred "**substantial damage**" regardless of the actual repair work performed. The term does not include improvements of **structures** to correct existing **violations** of state or local health, sanitary, or safety code requirements.

Temporary structure (Public Freshwater Lakes only)

A **structure** that can be installed and removed from the waters of a **public freshwater lake** without using a crane, bulldozer, backhoe, or similar heavy or large machinery.

Examples of a **temporary structure** include the following:

(1) A pier that is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and is not mounted in or comprised of concrete or cement.

(2) A boat shelter, boat lift, or boat hoist that has a canvas top and sides; is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter; is not mounted in or comprised of concrete or cement; is designed to float or to rest upon the bed of the lake under its own weight if any **structure** to which it is attached complies with this section; and is not wider than ten (10) feet nor longer than twenty (20) feet.

Variance

A grant of relief from the requirements of this section consistent with the **variance** conditions herein.

Violation

The failure of a **structure** or other **development** to be fully compliant with this section.

Walled and Roofed

A **building** that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. **Watercourse** includes specifically designated areas in which substantial **flood** damage may occur.

(C) General Provisions

(1) Lands to Which This Section Applies

This section shall apply to all areas of special **flood** hazard (**SFHAs**) within the jurisdiction of the City of Fort Wayne, Indiana as identified in §157.412(C)(2), including any additional areas of special **flood** hazard annexed by the City of Fort Wayne, Indiana.

(2) Basis for Establishing the Areas of Special **Flood** Hazard

(a) The **regulatory flood** elevation, **floodway**, and **fringe** limits for the studied **SFHAs** within the jurisdiction of the City of Fort Wayne, delineated as an "AE Zone" on the Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map** dated August 3, 2009 shall be determined from the **one-percent annual chance flood** profiles in the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas and the corresponding **Flood Insurance Rate Maps** (**FIRM**) dated August 3, 2009, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the **floodway** limits not be delineated on the **Flood Insurance Rate Map** for a studied **SFHA** designated as an "AE Zone", the limits of the **floodway** will be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources.

(b) The **regulatory flood** elevation, **floodway**, and **fringe** limits for each of the **SFHAs** within the jurisdiction of the City of Fort Wayne, delineated as an "A Zone" on the Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map**, dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the **best available flood layer** data provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the **best available flood layer**, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(c) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an "Zone AE" on the Allen County, Indiana and Incorporated Areas shall be in the stillwater elevation tables in the **Flood Insurance Study** of Allen County, Indiana and Incorporated Areas dated August 3, 2009, and any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(d) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of City of Fort Wayne delineated as an "Zone A" on the Allen County, Indiana and Incorporated Areas dated August 3, 2009 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available **flood** data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(e) In the absence of a published **FEMA** map, or absence of identification on a **FEMA** map, the **regulatory flood** elevation, **floodway**, and **fringe** limits of any **watercourse** in the **community's** known **flood prone areas** shall be according to the **best available flood layer** as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(f) Upon issuance of a **Letter of Final Determination (LFD)**, any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (**development**) purposes, replacing all previously effective less restrictive **flood** hazard data provided by **FEMA**.

(3) Establishment of **Floodplain Development** Permit

A **Floodplain Development** Permit shall be required in conformance with the provisions of this section prior to the commencement of any **development** activities in areas of special **flood** hazard.

(4) Compliance

(a) No **structure** shall hereafter be located, extended, converted or structurally altered within the **SFHA** without full compliance with the terms of this section and other applicable regulations.

(b) Where an existing or proposed **structure** or other **development** is affected by multiple **flood** zones, by multiple **base flood elevations**, or both, the **development** activity must comply with the provisions of this section applicable to the most restrictive **flood** zone and the most conservative (highest) **base flood elevation** affecting any part of the existing or proposed **structure**; or for other **developments**, affecting any part of the area of the **development**.

(c) No land or stream within the **SFHA** shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

(5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Discrepancy between Mapped **Floodplain** and Actual Ground Elevations

(a) In cases where there is a discrepancy between the mapped **floodplain** (**SFHA**) with **base flood elevations** provided (**riverine** or lacustrine Zone AE) on the **FIRM** and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

(b) If the elevation of the site in question is below the **base flood elevation**, that site shall be included in the **SFHA** and regulated accordingly.

(c) If the **natural grade** elevation of the site in question is at or above the **base flood elevation** and a LOMA or LOMR-FW is obtained, the **floodplain** regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(7) Interpretation

In the interpretation and application of this section all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Liability

The degree of **flood** protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of the City of Fort Wayne, the Indiana Department of Natural Resources, or the State of Indiana, for any **flood** damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(9) Penalties for **Violation**

Failure to obtain a **Floodplain Development** Permit in the **SFHA** or failure to comply with the requirements of a **Floodplain Development** Permit or conditions of a **variance** shall be deemed to be a **violation** of this section. All **violations** shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Fort Wayne. All **violations** shall be punishable by a fine not exceeding $2,500.00.

(a) A separate offense shall be deemed to occur for each day the **violation** continues to exist.

(b) The Fort Wayne Plan Commission shall inform the owner that any such **violation** is considered a willful act to increase **flood** damages and therefore may cause coverage by a Standard **Flood** Insurance Policy to be suspended.

(c) Nothing herein shall prevent the City of Fort Wayne from taking such other lawful action to prevent or remedy any **violations**. All costs connected therewith shall accrue to the person or persons responsible.

(D) Administration

(1) Designation of Administrator

The Fort Wayne Plan Commission of the City of Fort Wayne hereby appoints the Fort Wayne Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the **Floodplain** Administrator.

(2) **Floodplain Development** Permit and Certification Requirements

An application for a **Floodplain Development** Permit shall be made to the **Floodplain** Administrator for all **development** activities located wholly within, partially within, or in contact with an identified **special flood hazard area**. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed **structures**, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application Stage

(i) A description of the proposed **development**;

(ii) Location of the proposed **development** sufficient to accurately locate property and **structure**(s) in relation to existing roads and streams;

(iii) A legal description of the property site;

(iv) A site development plan showing existing and proposed **development** locations and existing and proposed land grades;

(v) For the reconstruction, rehabilitation, or improvement of an existing **structure**, or an **addition** to an existing **building**, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) **structure**;

(vi) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed **structures** to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;

(vii) Plans showing elevation of the top of the planned **lowest floor** (including **basement**) of all proposed **structures** in Zones A, AE. Elevation should be in **NAVD 88**;

(viii) Plans showing elevation (in **NAVD 88**) to which any non-residential **structure** will be floodproofed;

(ix) Plans showing location and specifications for **flood** openings for any proposed **structure** with **enclosed areas** below the **flood protection grade**;

(x) Plans showing materials to be used below the **flood protection grade** for any proposed **structure** are **flood** resistant;

(xi) Plans showing how any proposed **structure** will be anchored to resist flotation or collapse;

(xii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in **NAVD 88**;

(xiii) Description of the extent to which any **watercourse** will be altered or relocated as a result of proposed **development**. A **hydrologic and hydraulic engineering analysis** is required, and any **watercourse** changes submitted to DNR for approval. Once DNR approval is obtained, a **FEMA** Conditional Letter of Map Revision must be obtained prior to construction. (See §157.412(D)(3)(h) and §157.412(D)(5) for additional information)

(xiv) Any additional information, as requested by the **Floodplain** Administrator, which may be necessary to determine the disposition of a proposed **development** or **structure** with respect to the requirements of this section.

(b) Construction Stage

Upon establishment of the **lowest floor** of an elevated **structure** or **structure** constructed on fill, it shall be the duty of the applicant to submit to the **Floodplain** Administrator an **elevation certificate** for the **building** under construction. The **Floodplain** Administrator shall review the **elevation certificate**. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) Finished Construction

(i) Upon completion of construction of any **structure** requiring certification of elevation, an **elevation certificate** which depicts the "as-built" **lowest floor** elevation and other applicable elevation data is required to be submitted by the applicant to the **Floodplain** Administrator. The **elevation certificate** shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

(ii) Upon completion of construction of an elevated **structure** constructed on fill, a **fill** report is required to be submitted to the **Floodplain** Administrator to verify the required standards were met, including compaction.

(iii) Upon completion of construction of a **floodproofing** measure, a **floodproofing certificate** is required to be submitted by the applicant to the **Floodplain** Administrator. The **floodproofing certificate** shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the **Floodplain** Administrator

The **Floodplain** Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose.

Duties and responsibilities of the **Floodplain** Administrator shall include, but are not limited to:

(a) Enforce the provisions of this section.

(b) Evaluate application for permits to develop in **special flood hazard areas** to assure that the permit requirements of this section have been satisfied.

(c) Interpret **floodplain** boundaries and provide **flood** hazard and **flood** protection elevation information.

(d) Issue permits to develop in **special flood hazard areas** when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

(e) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the **Floodplain Development** Permit.

(f) Conduct **substantial damage** determinations to determine whether existing **structures**, damaged from any source and in **special flood hazard areas** identified by **FEMA**, must meet the **development** standards of these regulations.

(g) For applications to improve **structures**, including alterations, movement, enlargement, replacement, repair, change of occupancy, **additions**, rehabilitations, renovations, **substantial improvements**, repairs of **substantial damage**, and any other improvement of or work on such **buildings** and **structures**, the **Floodplain** Administrator shall:

(i) Verify and document the **market value** of the pre-damaged or pre-improved **structure**;

(ii) Compare the cost to perform the improvement; or the cost to repair a damaged **building** to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the **market value** of the pre-damaged or pre-improved **structure**. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by **FEMA** to ensure compliance with the NFIP and to avoid any conflict with future **flood** insurance claims of policyholders within the **community**;

(iii) Determine and document whether the proposed work constitutes **substantial improvement** or repair of **substantial damage**. For non-substantial **additions** or improvements, or non-substantial reconstruction or repairs, only one **development** project shall be permitted per twenty-four (24) month period. The project shall be completed within the twenty-four (24) months. An **addition**, improvement, reconstruction, or repair project that is continuous in scope or time shall be considered as one project for permitting purposes; and

(iv) Notify the applicant if it is determined that the work constitutes **substantial improvement** or repair of **substantial damage** and that compliance with the applicable general and specific standards in §157.412(E) are required.

(h) Notify adjacent communities and the State **Floodplain** Coordinator prior to any alteration or relocation of a **watercourse** and submit copies of such notifications to **FEMA**.

(i) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all **development** projects subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), and §157.412(E)(1)(d). Maintain a record of such authorization (either copy of actual permit/authorization or **floodplain** analysis/regulatory assessment).

(j) Verify the upstream drainage area of any proposed **development** site near any **watercourse** not identified on a **FEMA** map to determine if §157.412(D)(3)(i) is applicable.

(k) Assure that maintenance is provided within the altered or relocated portion of said **watercourse** so that the flood-carrying capacity is not diminished.

(l) Verify and record the actual elevation of the **lowest floor** (including **basement**) of all new or substantially improved **structures**, in accordance with §157.412(D)(2).

(m) Verify and record the actual elevation to which any new or substantially improved **structures** have been floodproofed in accordance with §157.412(D)(2).

(n) Make on-site inspections of projects in accordance with §157.412(D).

(o) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged **structure** covered by a standard **flood** insurance policy into compliance (either a substantially damaged **structure** or a repetitive loss **structure**) to ensure eligibility for ICC funds.

(p) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any **structures** (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of water.

(q) Provide information, testimony, or other evidence as needed during **variance** hearings.

(r) Serve notices of **violations**, issue stop-work orders, revoke permits and take corrective actions in accordance with §157.412(D)(4).

(s) Maintain for public inspection and furnish upon request local permit documents, damaged **structure** inventories, **substantial damage** determinations, **regulatory flood** data, **SFHA** maps, **Letters of Map Change (LOMC)**, copies of DNR permits, letters of authorization, and **floodplain** analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and **floodproofing** data for all **buildings** constructed subject to §157.412(D)(4).

(t) Coordinate map maintenance activities and associated **FEMA** follow-up in accordance with §157.412(D)(5).

(u) Utilize and enforce all **Letters of Map Change (LOMC)** or **Physical Map Revisions (PMR)** issued by **FEMA** for the currently effective **SFHA** maps of the **community**.

(v) Request any additional information which may be necessary to determine the disposition of a proposed **development** or **structure** with respect to the requirements of this section.

~~(4) Administrative Procedures~~

~~(a) Inspections of Work in Progress. As the work pursuant to a permit progresses, the **floodplain** administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.~~

~~(b) Stop Work Orders~~

~~(i) Upon notice from the **floodplain** administrator, work on any **building**, **structure** or premises that is being done contrary to the provisions of this section shall immediately cease.~~

~~(ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.~~

~~(c) Revocation of Permits~~

~~(i) The **floodplain** administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.~~

~~(ii) The **floodplain** administrator may revoke a permit upon determination by the **floodplain** administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the **structure** for which the permit was issued is in **violation** of, or not in conformity with, the provisions of this section.~~

~~(d) Floodplain Management Records~~

~~(i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this section shall be kept on file and maintained under the direction of the **Floodplain** Administrator in perpetuity. These records include permit applications, plans, certifications, **Flood Insurance Rate Maps**; **Letter of Map Change**; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes **substantial improvement** or repair of **substantial damage**; required design certifications and documentation of elevations required by this section; notifications to adjacent communities, **FEMA**, and the state related to alterations of **watercourses**; assurances that the **flood** carrying capacity of altered **watercourses** will be maintained; documentation related to **appeals** and **variances**, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section.~~

~~(ii) These records shall be available for public inspection at the offices of the Department of Planning Services (Suite 150, 200 East Berry Street, Fort Wayne Indiana).~~

(e) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the **Floodplain** Administrator to ensure compliance. The **Floodplain** Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities

To meet NFIP minimum requirements to have **flood** data reviewed and approved by **FEMA**, and to ensure that City of Fort Wayne **flood** maps, studies and other data identified in §157.412(C)(2) accurately represent **flooding** conditions so appropriate **floodplain management** criteria are based on current data, the following map maintenance activities are identified:

(a) Requirement to Submit New Technical Data

(i) For all **development** proposals that impact **floodway** delineations or **base flood elevations**, the **community** shall ensure that technical data reflecting such changes be submitted to **FEMA** within six months of the date such information becomes available. These **development** proposals include:

[A] **Floodway** encroachments that increase or decrease **base flood elevations** or alter **floodway** boundaries;

[B] **Fill** sites to be used for the placement of proposed **structures** where the applicant desires to remove the site from the **special flood hazard area**;

[C] Alteration of **watercourses** that result in a relocation or elimination of the **special flood hazard area**, including the placement of culverts; and Subdivision or large scale **development** proposals requiring the establishment of **base flood elevations**.

(ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to **FEMA**. The Indiana Department of Natural Resources will review the submittals as part of a partnership with **FEMA**. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the **FEMA** form (MT-2) or submitted through the online **Letter of Map Change** website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(iii) The **Floodplain** Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a **Floodplain Development** Permit for proposed **floodway** encroachments that increase the **base flood elevation**.

(iv) **Floodplain Development** Permits issued by the **Floodplain** Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from **FEMA** for any **development** proposal subject to this section.

(b) Right to Submit New Technical Data

The **Floodplain** Administrator may request changes to any of the information shown on an effective map that does not impact **floodplain** or **floodway** delineations or **base flood elevations**, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Fort Wayne and may be submitted to **FEMA** at any time.

(c) Annexation / Detachment

Upon occurrence, the **Floodplain** Administrator shall notify **FEMA** in writing whenever the boundaries of the City of Fort Wayne have been modified by annexation or the **community** has assumed authority over an area, or no longer has authority to adopt and enforce **floodplain management regulations** for a particular area. In order that Allen County, Indiana and Incorporated Areas **Flood Insurance Rate Map** accurately represent the City of Fort Wayne boundaries, include within such notification a copy of a map of the City of Fort Wayne suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Fort Wayne has assumed or relinquished **floodplain management** regulatory authority.

(6) **Variance** Procedures

(a) The Board of Zoning Appeals (the Board) as established by the Fort Wayne Plan Commission shall hear and decide **appeals** and requests for **variances** from requirements of this section.

(b) The Board shall hear and decide **appeals** when it is alleged an error in any requirement, decision, or determination is made by the **Floodplain** Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may **appeal** such decision to the Allen County Circuit Court.

(c) In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and:

(i) the danger to life and property due to **flooding** or erosion damage;

(ii) the danger that materials may be swept onto other lands to the injury of others;

(iii) the susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the **community**;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the compatibility of the proposed use with existing and anticipated **development**;

(vii) the availability of alternative locations for the proposed use which are not subject to **flooding** or erosion damage;

(viii) the safety of access to the property in times of **flood** for ordinary and emergency vehicles;

(ix) the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and

(x) the costs of providing governmental services during and after **flood** conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(d) A written report addressing each of the above factors shall be submitted with the application for a **variance**.

(e) **Variances** from the provisions of this section shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:

(i) A showing of good and sufficient cause.

(ii) A determination that failure to grant the **variance** would result in exceptional **hardship** as defined in §157.412(B).

(iii) A determination that the granting of a **variance** will not result in increased **flood** heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(f) No **variance** for a residential use within a **floodway** subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) may be granted.

(g) Any **variance** granted in a **floodway** subject to §157.412(E)(1)(a), §157.412(E)(1)(c)(i), or §157.412(E)(1)(d) of this section will require a permit from the Indiana Department of Natural Resources. **Variances** shall not be issued within any designated **regulatory floodway** if any increase in **flood** levels during the **base flood** discharge would result.

(h) **Variances** to the Provisions for **Flood** Hazard Reduction of §157.412(E), may be granted only when a new **structure** is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing **structures** constructed below the **flood protection grade**.

(i) **Variances** may be issued for the repair or rehabilitation of "**historic structures**" upon a determination that the proposed repair or rehabilitation will not preclude the **structure**'s continued designation as an "**historic structure**" and the **variance** is the minimum to preserve the historic character and design of the **structure**.

(j) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

(k) **Variances** shall only be issued upon a determination that the **variance** is the minimum necessary, considering the **flood** hazard, to afford relief.

(l) Upon consideration of the factors listed above and the purposes of this section, the **appeal** board may attach such conditions to the granting of **variances** as it deems necessary to further the purposes of this section.

(m) Any applicant to whom a **variance** is granted shall be given written notice specifying the difference between the **Flood Protection Grade** and the elevation to which the **lowest floor** is to be built and stating that the cost of the **flood** insurance will be commensurate with the increased risk resulting from the reduced **lowest floor** elevation.

(n) The **Floodplain** Administrator shall maintain the records of **appeal** actions and report any **variances** to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

(E) Provisions for **Flood** Hazard Reduction

(1) **Floodplain** Status Standards

(a) Floodways (Riverine)

Located within **SFHAs**, established in §157.412(C)(2), are areas designated as **floodways**. The **floodway** is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the **Flood** Control Act (IC 14-28-1) a permit for construction in a **floodway** from the Indiana Department of Natural Resources is required prior to the issuance of a local **building** permit for any excavation, deposit, construction, or **obstruction** activity located in the **floodway**. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual **start of construction** of the **structure**. General licenses and exemptions to the requirements of the **Flood** Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified **additions**/improvements to existing lawful residential **structures**, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

(i) If the site is in a regulatory **floodway** as established in §157.412(C)(2), the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a **floodway**, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

(ii) No action shall be taken by the **Floodplain** Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the **floodway**, or evidence provided by an applicant that the **development** meets specified criteria to qualify for a general license or exemption to the requirement of the **Flood** Control Act. The **Floodplain Development** Permit shall meet the provisions contained in this article.

(iii) The **Floodplain Development** Permit cannot be less restrictive than an approval issued for construction in a **floodway** issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the **Flood** Control Act for a specific site/project. However, a **community's** more restrictive regulations (if any) shall take precedence.

(iv) In **floodway** areas identified on the **FIRM**, **development** shall cause no increase in **flood** levels during the occurrence of the **base flood** discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of §157.412(D)(5)(a). A Conditional Letter of Map Revision cannot be issued for **development** that would cause an increase in **flood** levels affecting a **structure** and such **development** should not be permitted.

(v) In **floodway** areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective **FIRM** as **floodway** areas, the total cumulative effect of the proposed **development**, when combined with all other existing and anticipated **development**, shall not adversely affect the efficiency of, or unduly restrict the capacity of the **floodway**. This adverse effect is defined as an increase in the elevation of the **regulatory flood** of at least fifteen hundredths (0.15) of a foot as determined by comparing the **regulatory flood** elevation under the project condition to that under the natural or pre-**floodway** condition as proven with hydraulic analyses.

(vi) For all projects involving channel modifications or **fill** (including levees) the City of Fort Wayne shall submit the data and request that the Federal Emergency Management Agency revise the **regulatory flood** data per mapping standard regulations found at 44 CFR § 65.12.

(b) Fringe (Riverine)

If the site is in the **fringe** (either identified on the **FIRM** or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a **FIRM**), the **Floodplain** Administrator may issue the local **Floodplain Development** Permit provided the provisions contained in this section have been met.

(c) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

(i) Drainage area upstream of the site is greater than one square mile:

[A] If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

[B] No action shall be taken by the **Floodplain** Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a **floodway** letter of authorization, or evidence of general license qualification) or a **floodplain** analysis/regulatory assessment citing the **one-percent annual chance flood** elevation and the recommended **Flood Protection Grade** has been received from the Indiana Department of Natural Resources.

[C] Once the **Floodplain** Administrator has received the proper written approval, evidence of general license qualification or **floodplain** analysis/regulatory assessment approving the proposed **development** from the Indiana Department of Natural Resources, a **Floodplain Development** Permit may be issued, provided the conditions of the **Floodplain Development** Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

(ii) Drainage area upstream of the site is less than one square mile:

[A] If the site is in an identified **floodplain** where the limits of the **floodway** and **fringe** have not yet been determined and the drainage area upstream of the site is less than one square mile, the **Floodplain** Administrator shall require the applicant to provide an engineering analysis showing the limits of the **floodplain** and **one-percent annual chance flood** elevation for the site.

[B] Upon receipt, the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the provisions contained in this section have been met.

(d) **SFHAs** not Identified on a Map

(i) If a proposed **development** site is near a waterway with no **SFHA** identified on a map, the **Floodplain** Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the **Floodplain** Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(ii) No action shall be taken by the **Floodplain** Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a **floodway**, letter of authorization, or evidence of general license qualification) or a **floodplain** analysis/regulatory assessment citing the **one-percent annual chance flood** elevation and the recommended **Flood Protection Grade** has been received from the Indiana Department of Natural Resources.

(iii) Once the **Floodplain** Administrator has received the proper written approval, evidence of general license qualification, or **floodplain** analysis/regulatory assessment approving the proposed **development** from the Indiana Department of Natural Resources, a **Floodplain Development** Permit may be issued, provided the conditions of the **Floodplain Development** Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(e) Public Freshwater Lakes

Within the **SFHA** are **public freshwater lakes**. **Public freshwater lakes** are governed by IC 14-26-2 (sometimes referred to as the Lakes Preservation Act) and rules adopted by the Natural Resource Commission at 312 IAC 11-1 through 312 IAC 11-5 to assist with its implementation. A listing of **public freshwater lakes** can be found in the Indiana Register, Information Bulletin #61. Noting while Lake Freeman and Lake Shafer are listed, Indiana Department of Natural Resources and Natural Resource Commission authority is abridged by IC 14-26-2-15. Dredging of **public freshwater lakes** is addressed in the Indiana Register, Information Bulletin #60.

(i) Lakes Preservation Act jurisdiction is based on the specific lake's legally established lake level, where this legally established elevation (legal lake level) meets the land along the shoreline. When no legal lake level is established for a lake, average normal shoreline at each site is used, based on observation of breaks such as lakebed vs ground and lines of demarcation.

(ii) Indiana Department of Natural Resources approval is required for excavation, fill, and placement, modification or repair of a temporary or permanent **structure** over, along or lakeward of the shoreline or waterline of a **public freshwater lake**. Walls landward of the shoreline (within ten (10) feet) and below legal or normal water level of a **public freshwater lake** also require prior approval from DNR.

(iii) General licenses and exemptions to the Lake Preservation Act may apply to the placement of temporary piers, **dry hydrants**, **aerators**, or **glacial stone** reface, provided they meet the specific criteria of the Public Lakes Rules.

(iv) No action shall be taken by the **Floodplain** Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval or qualification for a general license has been verified. Once a permit or approval has been issued by the Indiana Department of Natural Resources (or general license qualification verified), the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the applicable provisions contained in this article have been met. The **Floodplain Development** Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources. However, a **community's** more restrictive regulations (if any) shall take precedence.

(2) General Standards

In all areas of special **flood** hazard, the following provisions are required:

(a) All **new construction**, and **substantial improvements** shall be anchored to prevent flotation, collapse or lateral movement of the **structure**;

(b) **New construction** and **substantial improvements** shall be constructed with materials and utility equipment resistant to **flood** damage below the **FPG**;

(c) **New construction** and **substantial improvements** must incorporate methods and practices that minimize **flood** damage;

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the **FPG** for residential **structures**. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the **FPG** or designed so as to prevent water from entering or accumulating within the components below the **FPG** for non-residential **structures**. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the **FPG**;

(e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during **flooding**;

(h) Any alteration, repair, reconstruction, or improvements to a **structure** that is in compliance with the provisions of this section shall meet the requirements of "**new construction**" as contained in this section;

(i) **Base flood elevation** data shall be provided for subdivision proposals and other proposed **development** (including **manufactured home parks and subdivisions**), which is greater than the lesser of fifty (50) lots or five (5) acres;

(j) Where an existing or proposed **structure** or other **development** is affected by multiple **flood** zones, by multiple **base flood elevations**, or both, the **development** activity must comply with the provisions of this section applicable to the most restrictive **flood** zone and the highest **base flood elevation** affecting any part of the existing or proposed **structure**; or for other **developments**, affecting any part of the area of the **development**;

(k) **Fill** projects that do not involve a **structure** must be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;

(l) Whenever any portion of the **SFHA** is authorized for use, the volume of space which will be occupied by the authorized **fill** or **structure** below the **BFE** shall be compensated for and balanced by an equivalent volume of excavation taken below the **BFE**. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the **fill** or **structure**.

(i) The excavation shall take place in the same **floodplain** on the same property on which the authorized **fill** or **structure** is located, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same **floodplain** no further than 2,000' (as measured from closest point of the project property, to the closest point of the compensatory storage cut area) from the site of the authorized **fill** or **structure**, provided authorization/permission has been granted by the owners of any property where the excavation is proposed.

(ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the **floodplain** provided that the excavated volume will be below the **regulatory flood** elevation, will be in the same property in which the authorized **fill** or **structure** is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled.

(iii) The excavation shall not be subject to ponding when not inundated by floodwater; the excavation volume area shall solely be used for floodwater storage.

(iv) The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.

(v) A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the **Floodplain** Administrator shall be executed and recorded in the County Recorder's Office that runs with the property. The covenant shall be recorded prior to the issuance of the Certificate of Compliance for the **Floodplain Development** Permit, or any applicable Certificate of Use.

(vi) The **fill** or **structure** shall not obstruct a drainage way leading to the **floodplain**.

(vii) The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.

(viii) The **fill** or **structure** shall be of a material deemed stable enough to remain firm and in place during periods of **flooding** and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a **structure** is placed on **fill** it shall follow additional requirements of §157.412(E)(3)(b)(iv) and §157.412(E)(3)(c)(iv).

(ix) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual **start of construction** or any site work; once site work is complete, but before the actual **start of construction**, the applicant shall provide to the **Floodplain** Administrator a certified survey of the excavation and **fill** sites demonstrating the **fill** and excavation comply with this article.

(m) Exceptions to Compensation Requirements

(i) For primary **buildings** of up to 400 square feet, or accessory **buildings** or **structures** of up to 400 square feet, no compensatory storage shall be required on lots under ½ acre;

(ii) In the **floodway fringe**, the following amounts of **fill** shall be permitted on a lot: on lots of over one acre, up to 40 cubic yards shall be permitted; on lots between ¾ and one acre, up to 30 cubic yards shall be permitted; on lots between ½ and ¾ acre, up to 20 cubic yards shall be permitted; on lots between ¼ and ½ acre, up to 10 cubic yards shall be permitted, and on lots of up to ¼ acre, up to 5 cubic yards shall be permitted, provided that:

[A] No **fill** shall be placed within 15 feet of a side lot line;

[B] No **fill** shall be placed within 15 feet of a front or rear lot line;

[C] No **fill** shall be placed within 10 feet outside a **floodway** boundary as shown on the **FIRM** map; and

[D] No **fill** shall be placed in such a way so as to obstruct **flood** water or divert it onto an adjacent property (as in the construction of a levee or dike).

(iii) **Fill** placed for:

[A] Public **flood** control improvement projects (including a dike or levee);

[B] Public transportation facilities; or

[C] Utility collection or transmission lines as permitted in §157.412(E)(2);

[D] Compensatory storage as permitted in §157.412(E)(2)(l); or

[E] For approved **structures** as permitted above.

A request for a non-public **flood** control improvement project, including a dike or levee, or a private request to place over 40 cubic yards of non-compensatory storage **fill** in the **floodway fringe**, shall require approval of a Special Use by the Board of Zoning Appeals, subject to the applicant verifying that the **fill** as placed can withstand a **regulatory flood flooding** event.

(3) Specific Standards

In all areas of special **flood** hazard where **base flood elevation** data or **flood** depths have been provided, as set forth in §157.412(C)(2) the following provisions are required:

(a) **Building** Protection Requirement. In addition to the general standards described in §157.412(E)(2), **structures** to be located in the **SFHA** shall be protected from **flood**

damage below the **FPG**. This **building** protection requirement applies to the following situations:

(i) Construction or placement of a residential **structure**;

(ii) Construction or placement of a non-residential **structure**;

(iii) **Addition** or improvement made to an existing **structure** where the cost of the **addition** or improvement equals or exceeds 50% of the value of the existing **structure** (excluding the value of the land). An **addition** and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;

(iv) Reconstruction or repairs made to a damaged **structure** where the costs of restoring the **structure** to its before damaged condition equals or exceeds 50% of the **market value** of the **structure** (excluding the value of the land) before damage occurred (the costs of any proposed **additions** or improvements beyond restoring the damaged **structure** to its before damaged condition must be included in the cost);

(v) Installing a travel trailer or **recreational vehicle** on a site for more than 180 days;

(vi) Installing a **manufactured home** on a new site or a new **manufactured home** on an existing site.

(b) Residential Construction (excluding **manufactured homes**)

(i) **New construction** or **substantial improvement** of any residential **structures** shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).

(ii) In the **SFHA**, **new construction** or **substantial improvement** of any residential **structure** shall have the **lowest floor**; including **basement**, at or above the **FPG**. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §157.412(E)(3)(b)(iii). Should **fill** be used to elevate a **structure**, the standards of §157.412(E)(3)(b)(iv) must be met.

(iii) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:

[A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic **flood** forces on exterior walls. **Flood** openings must be designed and installed in compliance with criteria set out in **FEMA** Technical Bulletin 1. Engineered **flood** openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific **ICC-ES Report**). Non-engineered openings must have a total net area of not less than one square inch for every one square foot of **enclosed area**. Both engineered and non-engineered **flood** openings must meet the following installation criteria:

[1] Provide a minimum of two openings on different sides of an **enclosure**. If there are multiple **enclosed areas**, each is required to meet the requirements for **enclosures**, including the requirement for **flood** openings in exterior walls;

[2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

[3] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**;

[4] If the floor of the **enclosure** is at or above the **BFE**, but below the **FPG**, the openings must be located wholly below the **FPG**;

[5] Doors and windows do not qualify as openings;

[6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

[B] The floor of such **enclosed area** must be at or above grade on at least one side.

[C] The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.

(iv) A residential **structure** may be constructed on **fill** in accordance with the following

[A] **Fill** shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

[B] **Fill** shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;

[C] **Fill** shall be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;

[D] **Fill** shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(v) A residential **structure** may be constructed using a **stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill). Any **backfilled stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No **flood** openings are required for this type of construction.

(c) Nonresidential Construction

(i) **New construction** or **substantial improvement** of any non-residential **structures** (excludes **accessory structures**) shall meet provisions described in §157.412(E)(1) and applicable general standards described in §157.412(E)(2).

(ii) In the **SFHA**, **new construction**, or **substantial improvement** of any commercial, industrial, or non-residential **structure** (excludes **accessory structures**) shall either have the **lowest floor**, including **basement** and, elevated to or above the **FPG** or be floodproofed to or above the **FPG**. Should solid foundation perimeter walls be used to elevate a **structure**, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in

accordance with the standards of §157.412(E)(3)(c)(iii). Should **fill** be used to elevate a **structure**, the standards of §157.412(E)(3)(c)(iv) must be met.

(iii) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:

[A] Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic **flood** forces on exterior walls. **Flood** openings must be designed and installed in compliance with criteria set out in **FEMA** Technical Bulletin 1. Engineered **flood** openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific **ICC-ES Report**), or meet the following criteria for non-engineered **flood** openings:

[1] Provide a minimum of two openings on different sides of an **enclosure**. If more than one **enclosed area** is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of **enclosed area**);

[2] The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

[3] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**.

[4] If the floor of the **enclosure** is at or above the **BFE**, but below the **FPG**, the openings must be located wholly below the **FPG**;

[5] Doors and windows do not qualify as openings;

[6] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

[B] The floor of such **enclosed area** must be at or above grade on at least one side.

[C] The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.

(iv) A nonresidential **structure** may be constructed on **fill** in accordance with the following:

[A] Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

[B] Shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;

[C] Shall be protected against erosion and scour during **flooding** by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3′ horizontal to 1′ vertical; and

[D] Shall not adversely affect the flow of surface drainage from or onto neighboring properties.

A nonresidential **structure** may be floodproofed in accordance with the following:

A Registered Professional Engineer or Architect shall certify that the **structure** has been designed so that below the **FPG**, the **structure** and attendant utility facilities are watertight and capable of resisting the effects of the **regulatory flood**. The **structure** design shall take into account **flood** velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the **floodplain** administrator.

(v) A nonresidential **structure** may be constructed using a **stem wall foundation** (also called chain wall, raised slab on grade, and slab on stem wall with fill). Any **backfilled stem wall foundation** must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No **flood** openings are required for this type of construction.

(d) Manufactured Homes and Recreational Vehicles

Manufactured homes and **recreational vehicles** to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(i) These requirements apply to all **manufactured homes** to be placed on a site in the **SFHA**.

[A] The **manufactured home** shall be elevated on a permanent foundation such that the **lowest floor** shall be at or above the **FPG** and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[B] Fully **enclosed areas** formed by foundation and other exterior walls below the **FPG** shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for elevated **structures** in §157.412(E)(3)(b).

[C] Flexible skirting and rigid skirting not attached to the frame or foundation of a **manufactured home** are not required to have openings.

(ii) **Recreational vehicles** placed on a site in the **SFHA** shall either:

[A] Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached **additions**), or

[B] Meet the requirements for "**manufactured homes**" as stated earlier in this section.

(e) Accessory Structures

Within **SFHA**s, **new construction** or placement of an **accessory structure** must meet the following standards:

(i) Shall have a floor area of 400 square feet or less;

(ii) Use shall be limited to parking of vehicles and limited storage;

(iii) Shall not be used for human habitation;

(iv) Shall be constructed of **flood** resistant materials;

(v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(vi) Shall be firmly anchored to prevent flotation;

(vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the **FPG**;

(viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic **flood** forces on exterior walls as required for elevated **structures** in §157.412(E)(3)(e)(iii); and

(ix) Shall not have subsequent **additions** or improvements that would preclude the **structure** from its continued designation as an **accessory structure**.

(f) Free Standing Pavilions, Gazebos, Decks, Carports, and Similar **Development**

Within **SFHAs** on the **community's FIRM**, **new construction** or placement of pavilions, gazebos, decks, carports, and similar **development** must meet the following standards:

(i) Shall have open sides (having not more than one rigid wall);

(ii) Shall be anchored to prevent flotation or lateral movement;

(iii) Shall be constructed of **flood** resistant materials below the **FPG**;

(iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the **FPG**;

(v) Shall not have subsequent **additions** or improvements that would preclude the **development** from its continued designation as a pavilion, gazebo, carport, or similar open-sided **development**.

(g) Above Ground Gas or Liquid Storage Tanks

Within **SFHAs** designated as Zones A, AE on the **community's FIRM**, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non residential **structure** as required in §157.412(E)(3)(c).

(4) Standards for Subdivision and Other Subdivision Related **Development**

(a) All subdivision proposals and all other proposed new **development** shall be consistent with the need to minimize **flood** damage.

(b) All subdivision proposals and all other proposed new **development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize **flood** damage.

(c) All subdivision proposals and all other proposed new **development** shall have adequate drainage provided to reduce exposure to **flood** hazards.

(d) In all areas of special **flood** hazard where **base flood elevation** data are not available, the applicant shall provide a **hydrologic and hydraulic engineering analysis** that generates **base flood elevations** for all subdivision proposals and all other proposed new **development** (including **manufactured home parks and subdivisions**), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.

(e) All subdivision proposals shall minimize **development** in the **SFHA** and/or limit density of **development** permitted in the **SFHA**.

(f) All subdivision proposals shall ensure safe access into/out of **SFHA** for pedestrians and vehicles (especially emergency responders).

(g) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible **floodway** areas shall be included in common areas as part of the subdivision. If the **floodway** area cannot be included as a common area, it should be included in a surface drainage easement.

(F) Severability

If any section, subsection, sentence, clause, or phrase of this section is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

(D) Special Uses

(1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §157.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §157.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition, as set forth in §157.411(I) of the **Airport Overlay Districts** provisions, certain **uses** shall also require approval of a **special use**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

SPECIAL USES	
Special Use	**District(s) Where Allowed**
Accessory building, as a **primary building**, on a site of at least five (5) acres	AR
Accessory dwelling unit (freestanding)	AR, R1, R2, R3, RP, MHS, DE, and UC
Airstrip/heliport (for corporate or multiple **owner use**)	AR
Amusement park (if **adjacent** to a **residential district**	C3 and C4
Animal keeping (outdoor, small animal)	R1, R2, R3, RP, MHS, DC, DE and UC
Animal service, indoor	C1
Athletic field	R1, R2, R3, RP, MHS and C1
Automatic teller machine (**ATM**) (stand-alone)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile Service, General (excluding **gas station uses**)	I1
Bed and breakfast	AR, R1, R2, R3, RP and MHS
Boarding house	AR, R1, R2, R3, RP, MHS and DE
Child care home (class II)	AR, R1, R2, R3, RP, MHS, DE and UC
Club, private (1)	R1, R2, R3, RP, MHS and C1
Community facility not otherwise permitted (**transitional use**)	R1, R2, R3, RP and MHS
Community garden that includes a **structure**	AR, R1, R2, R3, RP, MHS, C1, DC, DE and UC
Container home (2)	AR, R1, R2, R3, RP, MHS, DE and UC
Country club	AR, R1, R2, R3, RP and MHS
Educational institution (not otherwise permitted)	AR, R1, R2, R3, RP and MHS (1)
Educational institution associated facilities, **uses**, and areas (on noncontiguous properties)	AR, R1, R2, R3, RP and MHS
Educational institution-associated uses (on non-contiguous properties, not otherwise permitted)	C1, C2, NC, SC, C3, C4, DE, and UC
Emergency response facility (**transitional use**)	R1, R2, R3, RP and MHS
~~Flood control improvement project/non-permitted **fill**, private~~	~~Any **district**~~
Fraternity house	DE and UC
Fuel **storage** facility	I2
Funeral home	AR, R1, R2, R3, RP and MHS

~~**Accessory Structure (see Floodplain regulations – §157.412(B), Definitions)**~~

Accessory Structure, Nonresidential

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

(1) Are located on the same **lot**, **tract**, or **development site** as the primary **nonresidential building** or **use**;

Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and

Are subordinate to and serving a **primary building** or **use**.

Accessory Structure, Residential

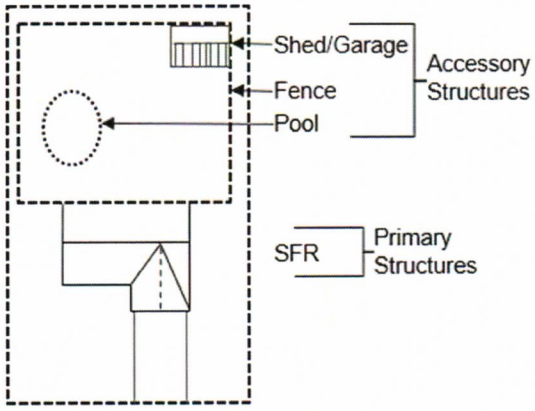
A **structure** or combination of **structures** that:

(1) Are located on the same lot, tract, or **development** site as the primary residential building;

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

Are subordinate to and serving a **primary building** or **use**; and

Contribute to the comfort, convenience or necessity of the occupants in the **primary building** or **use**.



Accessory and Primary Structures

Accessory Use

A **use** that:

(1) Is located on the same **lot**, **tract**, or **development site** as the **primary building** or **use**;

Is clearly incidental to and customarily found in connection with a **primary building** or **use** (including **public utility,** communication, electric, gas, water and sewer lines, their supports and incidental equipment);

Is subordinate to and serves a **primary building** or **use**;

Contributes to the convenience or necessity of the occupants of the **primary building** or **use**; and

Is a permitted use in the applicable zoning district.

Addition

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

~~**Addition (to an existing Structure) (see Floodplain regulations - §157.412(B), Definitions)**~~

Adjacent

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

Administrative Manual

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

Adult Care Center

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

(1) While unattended by a relative, legal guardian, or custodian;

(2) For regular compensation; and

(3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

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

Adult Care Home

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

~~**Aerator (see Floodplain regulations - §157.412(B), Definitions)**~~

Agricultural Building or Structure

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

Agricultural Fence (see "Fence, Agricultural")

Agricultural Livestock Operation

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

Agricultural Livestock Operation, High Intensity

An agricultural operation where the number of animals exceeds the maximum permitted as part of a "**low intensity livestock operation**". New **high intensity agricultural livestock operations** shall not be permitted within the **City** of Fort Wayne.

Airstrip (Private)

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

Alley

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

~~**Alteration of a Watercourse (see Floodplain regulations - §157.412(B), Definitions)**~~

Amortization

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

Animal Hospital

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

Animal Keeping (Small)

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

Animal Kennel

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

Animal Service

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

Antique Shop

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

Apiculture

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

Apparel and Accessory Store

A retail store selling clothing and related items.

Apparel Fabrication and Processing

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

~~**Appeal (see Floodplain regulations - §157.412(B), Definitions)**~~

Approach Slopes (see Airport Overlay District definitions)

Approach Surface (see Airport Overlay District definitions)

Aquaculture

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

Aquaponics

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

Arbor

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

Arcade

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

~~**Area of Special Flood Hazard (see Floodplain regulations - §157.412(B), Definitions)**~~

Arena

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

Art Gallery

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

Arterial Street (see "Street, Arterial")

Arterial, Minor (see "Street, Arterial")

Arterial, Principal (see "Street, Arterial")

Artisan Space

This **use** is available in the **Riverfront Overlay District** only. A retail or service establishment where hand-tools, mechanical tools and electronic tools can be used to manufacture artisan finished products or parts. This includes design, processing, fabrication, assembly, treatment, and packaging of products, as well as the incidental storage, sales, and distribution of such products. This differs from other forms of manufacturing, as the scale of production is artisanal in scale, any noise, odor, or detectable vibration are minimal.

Artist Studio

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

Asphalt Plant

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

Barber Shop

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

~~**Base Flood (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Base Flood Elevation (BFE) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Basement (see Floodplain regulations - §157.412(B), Definitions)**~~

Beauty Shop

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

Bed And Breakfast

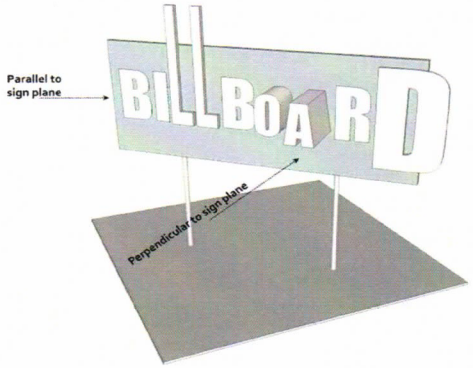
A house or portion of a house where short-term (up to 10 days) lodging rooms and meals are provided for compensation. The operator(s) shall live on the **lot**.

Betting or Gambling Facility

A structure or facility in which games of chance are performed by a for-profit or non-profit organization, including off-track betting, where permanent tables are not present. This definition does not include **casino**.

Billboard Embellishment

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



Bingo Establishment

A structure or facility in which bingo operations are performed by a for-profit or non-profit organization.

Block

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

Board

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

Board of Public Works

The Fort Wayne **Board of Public Works**.

Board of Zoning Appeals (BZA) (see "Board")

Boarding House

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

Bond

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

Bottling Facility

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

~~**Boundary River (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Boundary River Floodway (see Floodplain regulations - §157.412(B), Definitions)**~~

Brewery

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

Brewery (Micro)

An establishment where ale, beer, mead and/or similar beverages are brewed, typically in conjunction with a **bar** or **restaurant use**. Annual production will typically not exceed 15,000 barrels per year. A micro winery or similar use shall also be included under this definition.

Buffer (Airport) (see Airport Overlay District definitions)

Buffer Yard

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

Common Area

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

~~**Community (see Floodplain regulations – §157.412(B), Definitions)**~~

Community Facility

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

Community Garden

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

Comprehensive Plan

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

Concrete Plant

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

Conditions

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

Condominium

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

Condominium Development

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

Condominium Unit

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

Corner Visibility Area

The following areas, in which no **fence**, **retaining wall**, **hedge**, or other planting, **building**, or **structure** that would impede vision between a height of three (3) and eight (8) feet shall be located, except that this restriction shall not apply to **buildings** in the DC and DE **district**:

(1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.

(2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

Corporate Campus

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

Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a **correctional services facility** or a **Residential re-entry facility**.

Correctional Services Facility

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

Country Club

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

County

Allen **County**, Indiana.

Credit Union

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

Crematory

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

~~**Critical Facility (see Floodplain regulations – §157.412(B), Definitions)**~~

Customer Service Facility

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

Dance Hall

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

Dance Studio

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

Detoxification Facility

An inpatient medical care facility where individuals suffering from substance abuse receive round-the-clock or daily medical care and oversight from licensed physicians and nurses, and from which they may be released to their residence or referred to a **Group Residential Facility, FHAA (Large or Small)**, for continued residential treatment for substance abuse. Overnight patient stays shall be permitted as a part of this use but shall not exceed 45 days.

Developer

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

Development

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

~~**Development (see Floodplain regulations – §157.412(B), Definitions)**~~

Development Site

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

Developmental Disability

A severe, chronic disability of an individual that:

(1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);

(2) Is manifested before the individual is 22 years of age;

(3) Is likely to continue indefinitely;

(4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and

(5) Results in substantial limitation in at least three of the following:

(a) self-care;

(b) receptive and expressive language;

(c) learning;

(d) mobility;

(e) self-direction;

(f) capacity for independent living; and

(g) economic self-sufficiency.

Developmentally Disabled Individual

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

Distillery

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

Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand-alone facility or in conjunction with a **brewery** or winery. Annual production will typically not exceed 10,000 barrels per year.

~~**Dry Hydrant (see Floodplain regulations - §157.412(B), Definitions)**~~

Duplex (see **"Dwelling, Two Family)**

Dwelling

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

Dwelling, Multiple Family

A **building** or portion of a **building** that does not meet the definition of a **group residential facility, FHAA (large)**, and that is used for occupancy by:

(1) three (3) or more **families** living independently of each other

(2) more than eight (8) unrelated individuals sharing a single housekeeping unit

For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**. The dwelling shall have a minimum of 700 square feet of gross floor area, not including attached garage space if applicable.

Dwelling, Single Family (Attached) (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Townhouse (see "Dwelling, Zero Lot Line Single Family")

Dwelling, Two Family

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 700 square feet of **gross floor area**, not including attached **garage** space if applicable.

Dwelling Unit, Residential

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

Dwelling Unit, Efficiency

A **dwelling** unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

Dwelling, Zero Lot Line Single Family

A **single family detached dwelling** unit placed on the **lot** or **parcel** so that it is positioned along one or more side **lot lines** and attached to one or more similar units.

Dwelling, Zero Lot Line Two Family

A Two family dwelling unit placed on a lot or **parcel** so that it is positioned along one or more side lot lines and attached to one or more similar units.

Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

Easement, Roadway

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

Easement, Utility and Service

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

Educational Institution

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

~~**Elevation Certificate (see Floodplain regulations – §157.412(B), Definitions)**~~

Emergency Response Facility

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

Emergency Shelter

A facility that provides temporary housing without charge for persons:

(1) Whose regular residence has become uninhabitable due to fire, **flood**, or Act of God, while that residence can be repaired or replaced, or until other permanent housing arrangements can be made, but not to exceed a period of six months, or

(2) Persons who have no regular residence that could be endangered during periods of weather and health events where lack of shelter would create a significant risk to their health.

Employment Agency

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

Enclosed Area

A **structure** that has two or more exterior **walls**.

Engine Repair

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

Engineer (see "Professional Engineer")

Entertainment Facility

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

Equipment Rental, General

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

Equipment Rental, Limited

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

Equipment Supply Facility

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

Exempt Division of Land

A division of a **parcel** of land into two (2) or more **tracts** that qualifies as an **exempt division of land** pursuant to §157.303(C)(2).

Exhibit Hall

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

~~**Existing Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Expansion to an Existing Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

Expressway - Freeway

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

Exterminator

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

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

Façade

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

Façade, Primary

Any face of a **building** that has **frontage** on a **public street**. **Buildings** on **corner lots** will have two or more **primary façades** according to the number of **public streets** fronted.

Façade Renovation, Major

Replacement of existing features with new features that are different in terms of material, type, size, or color, excluding painting of typically painted or previously painted materials or surfaces, including substantive exterior alterations that result in a change in design, materials, or general appearance. This definition shall not include interior alterations or routine maintenance that does not affect exterior appearance.

Façade Renovation, Minor

Replacement of existing features in kind or routine maintenance of features including painting of typically painted or previously painted materials or surfaces.

Façade, Secondary

The side and rear **façades** of a **structure**. **Secondary façades** will have no **frontage** on **public streets**, but may have **frontage** on public **alleys**.

Fair Housing Amendments Act of 1988 (FHAA)

The **Fair Housing Amendments Act of 1988 (FHAA)**, as amended and as interpreted by the courts, which prohibits discrimination on the basis of race, color, national origin, religion, sex, family status, or disability in housing sales, rentals, or financing. These categories are considered protected classes by the FHAA.

Fairground

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

Family

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

Farmers Market

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

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

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

Fee

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

Feed Store

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

~~**FEMA (see Floodplain regulations – §157.412(B), Definitions)**~~

Financial Planning Service

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

Flood ~~or Flooding~~ (see Floodplain management regulations ~~- §157.412(B), Definitions~~)

~~**Flood Insurance Rate Map (FIRM) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Insurance Study (FIS) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Prone Area (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood Protection Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Floodplain (see Floodplain management regulations ~~- §157.412(B), Definitions~~)

~~**Floodplain Management (see Floodplain regulations - §157.412(B), Definitions)**~~

Floodplain Management Regulations ~~(see Floodplain regulations - §157.412(B), Definitions)~~

Floodplain management regulations are managed by the Fort Wayne City Utilities Department.

~~**Floodproofing (Dry Floodproofing) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Floodproofing Certificate (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Flood-Related Erosion (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Floodway (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Freeboard (see Floodplain regulations - §157.412(B), Definitions)**~~

Fraternal Organization

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

Fraternity House

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

~~**Freeboard (see Floodplain regulations - §157.412(B), Definitions)**~~

Freight Service

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

~~**Fringe (see Floodplain regulations - §157.412(B), Definitions)**~~

Frontage

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

Full Cutoff

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

~~**Functionally Dependent Use (see Floodplain regulations - §157.412(B), Definitions)**~~

~~Glacial Stone (see Floodplain regulations – §157.412(B), Definitions)~~

Glare

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

Golf Course

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

Golf Course (Miniature)

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

Golf Driving Range

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

Government Facility

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

Greenhouse

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

Grocery Store

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

Gross Floor Area

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

Ground Floor Area

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

Group Residential Facility, FHAA (Large)

A residential facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

(1) a residential facility for individuals who are developmentally disabled or mentally ill, or

(2) other residential facility if the facility houses more than eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

(1) homeless individuals or

(2) individuals participating in a **residential re-entry facility** for purposes other than treatment for drug or alcohol abuse.

Group Residential Facility, FHAA (Small)

A residential facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include:

(1) a residential facility for individuals who are developmentally disabled or mentally ill or

(2) other residential facility that houses up to eight (8) individuals who are members of a protected class under the federal **Fair Housing Amendments Act**.

This definition shall not include a facility that serves:

(1) homeless individuals, or

(2) individuals participating in a residential re-entry facility for purposes other than treatment of drug or alcohol abuse.

Growth (see Airport Overlay District definitions)

~~**Hardship (see Floodplain regulations – §157.412(B), Definitions)**~~

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

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

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

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

Hazardous Waste Disposal Area

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

Hazardous Waste Treatment, Storage and/or Disposal Facility

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

Health Care Facility

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

Health Club

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

Hedge

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

Heliport

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

Heliport (Private)

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

~~**Highest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Historic District, Local

Any site, **building**, **structure**, object, landscape (or collection of sites, **buildings**, **structures**, objects, or landscapes) which has obtained official historic status through local designation by the Fort Wayne Historic Preservation Commission.

Historic Site

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

~~**Historic Structure (see Floodplain regulations - §157.412(B), Definitions)**~~

Holiday Decorations

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

Home Workshop

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

Homeless Shelter

A supervised private facility that provides temporary living accommodations, and that may provide additional support services, for homeless individuals. A homeless shelter may be a primary or accessory use of a lot.

Hospice Care Center

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

Hospital

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

Hotel

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

~~**Hydrologic and Hydraulic Engineering Analysis (see Floodplain regulations - §157.412(B), Definitions)**~~

Hydroponics

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

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

Improvement Location Permit (ILP)

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

Infrastructure

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

Instruction/Training/Education

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

Instrument Landing Procedure (see Airport Overlay District definitions)

Interior Lot (see "Lot, Interior")

~~**International Code Council Evaluation Service (ICC-ES) Report (see Floodplain regulations – §157.412(B), Definitions)**~~

Junk Material

Materials, including but not limited to the following:

(1) **automobile** or machinery equipment or parts, including used **automobile** tires;

(2) **building/infrastructure** construction materials;

(3) cloth and clothing;

(4) construction materials;

(5) electronics or furniture;

(6) **garbage, refuse**, **trash**, or debris;

(7) manufactured clay and porcelain products;

(8) manufactured plastic products;

(9) manufactured rubber products;

(10) **motor vehicles**, or **motor vehicle** equipment or parts;

(11) paper and paper products;

(12) recyclable products of all kinds;

(13) scrap metal;

(14) wood and wood products; and

(15) wrecked and/or dismantled **automobiles** and machinery.

Junk Yard

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

Laboratory

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

Land Surveyor

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

Landing Field, Private

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

Landscape Buffer

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

Landscape Elements

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

Landscape Planting Area

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

Landscape Screening

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

Large Satellite Dish (see "Satellite Dish, Large")

Laundromat

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

~~**Letter of Final Determination (LFD) (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Letter of Map Change (LOMC) (see Floodplain regulations - §157.412(B), Definitions)**~~

Library

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

Limited Assembly and Fabrication

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

Limited Equipment Rental (see "Equipment Rental, Limited")

Live-Work Unit

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

Lot Line, Rear

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

Lot Line, Side

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

~~**Lowest Adjacent Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Lowest Floor (see Floodplain regulations - §157.412(B), Definitions)**~~

Lumens

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one (1) **candela**. One foot-candle is one lumen per square foot.

Machine Tool Shop

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

~~**Manufactured Home (see Floodplain regulations - §157.412(B), Definitions)**~~

Manufactured Home Park

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

~~**Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

Manufactured Home, Type I

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

(1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;

(2) Consist of two or more sections;

(3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;

(4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;

(5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and

(6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

Manufactured Home, Type II

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

(1) Contain at least seven hundred (700) square feet of **occupied space** per **dwelling** unit;

(2) Be a double or multiple section unit;

(3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;

(4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;

(5) Have the wheels, axles, and hitch mechanisms removed;

(6) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;

(7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and

(8) Have been constructed after January 1, 1981.

Manufactured Home, Type III

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

(1) Be properly connected to all utilities necessary for the occupancy of the unit; and

(2) Be set on piers and properly skirted, with wheels and axles removed.

Manufacturing

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

~~**Market Value (see Floodplain regulations – §157.412(B), Definitions)**~~

Massage Therapy Establishment

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

Master Sign Plan

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

Medical Office

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

Meeting Hall

A facility designed for public or private assembly.

Mental Illness

A psychiatric disorder or other disability that:

(1) Substantially disturbs an individual's thinking, feeling, or behavior; or

(2) Impairs the individual's ability to function; or

(3) Is considered a disability by Indiana Code, the federal **Fair Housing Amendment Act of 1988 (FHAA)**, or the Americans with Disabilities Act of 1991, or with federal regulations promulgated pursuant to those Acts, as any of those codes or acts or their regulations have interpreted by the courts; or

(4) Addiction to narcotics, stimulants, cannabis, alcohol, and other substances.

Mentally Ill Individual

An individual with **mental illness**.

Minimum Building Elevation

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

Mirrored Glass

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

Mitigation

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

~~**Mitigation (see Floodplain regulations – §157.412(B), Definitions)**~~

Mixed-Use Building

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

Mixed-Use Development

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

Mobile Food Service Unit

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

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

Mobile Home Park (see "Manufactured Home Park")

Multiple Family Complex

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

Multiple Family Complex, High Rise

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

Mural

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

Museum

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

Name Plate

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

~~**Natural Grade (see Floodplain regulations - §157.412(B), Definitions)**~~

Nature Preserve

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

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

Navigable Airspace (see Airport Overlay District definitions)

Neighborhood Center

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

Neighborhood facility

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

~~**New Construction (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**New Manufactured Home Park or Subdivision (see Floodplain regulations - §157.412(B), Definitions)**~~

Newspaper Publishing Facility

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

Nightclub

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

Nits

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

Noise Impact (see Airport Overlay District definitions)

Nonconforming Building/Structure

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

Nonconforming Use

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

Nonresidential District

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

~~**North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 (see Floodplain regulations – §157.412(B), Definitions)**~~

Nursery School (see "Preschool")

Nursing Home

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

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

~~**Obstruction (see Floodplain regulations – §157.412(B), Definitions)**~~

Occupied Space

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

Office, Professional

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

~~**One-Percent Annual Chance Flood (see Floodplain regulations – §157.412(B), Definitions)**~~

Personal Services

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

Pet Store

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

Photography Studio

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

~~**Physical Map Revision (PMR) (see Floodplain regulations – §157.412(B), Definitions)**~~

Plan Commission (PC) (see "Commission")

Planning Jurisdiction

That land lying within the incorporated boundaries of Fort Wayne and any additional areas where extra-territorial **planning jurisdiction** has been granted by the Allen **County** Commissioners.

Planning Staff

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

Plant Nursery

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

Plat

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

Plat, Major

A **subdivision** of a **parcel** of land that is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen **County Recorder's** office; excluding an **exempt division of land** under §157.303(C)(2) and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, DC, DE, UC or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted, unless the **plat** is replatted.

Plat, Minor

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

Plat Committee

A group of officials appointed by the **Plan Commission** to hold hearings on and dispose of **subdivision** applications on behalf of the **Commission**.

Play Equipment

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

Police Station

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

Porch, Open

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

Portable Storage Container

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

~~**Prefabricated Building (see Floodplain regulations - §157.412(B), Definitions)**~~

Preschool

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

Primary Building (see "Building, Primary")

Primary Surface (see Airport Overlay District definitions)

~~**Principally Above Ground (see Floodplain regulations - §157.412(B), Definitions)**~~

Printing Services

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

Professional Engineer

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

Professional Office (see "Office, Professional")

Professional Office/Business Service

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

Protected Class

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

~~**Public Freshwater Lake (see Floodplain regulations - §157.412(B), Definitions)**~~

Public Park (see "Park or Recreation Area, Public")

Public Sewer Facility

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

Public Utility

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

Public Water Facility

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-**public utility**.

Public Works Use, Temporary

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

Radio Station

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

Radio Tower (Amateur)

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

Reasonable Accommodation or Modification

A request that the City provide "reasonable accommodation" or "reasonable modifications" to the provisions of this Zoning Code pursuant to the federal **Fair Housing Amendments Act of 1988** or the Americans with Disabilities Act of 1991

Reception Hall

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

Recorder

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

Recreation, Indoor

A private indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including axe throwing, bowling alleys, ping pong, rock climbing, skating rinks, **swimming pools**, tennis **clubs**, trampoline parks and other similar use. This use shall not include **public parks**.

Recreation, Outdoor

A private outdoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers. **Structures** are typically required by or are part of the use. Recreation areas shall include **athletic fields**, boating, **campgrounds**, canoeing, **golf driving range**, fishing, **golf courses**, non-motorized trail riding, **swimming pool**s, swimming beaches, outdoor games and sports, volleyball or **tennis courts**, zip lining and similar uses. This use shall not include **public parks**.

Recreational Vehicle ~~**(see Floodplain regulations - §157.412(B), Definitions)**~~

A vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recycling Collection Point

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

Recycling Processing Facility

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

Refinery

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

Refuse

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

~~**Regulatory Flood** (see **Floodplain regulations** – §157.412(B), Definitions)~~

Rehabilitation Facility

An inpatient facility that provides skilled nursing care and intensive rehabilitative services, as well as round-the-clock medical care or oversight, for individuals who have been released from a hospital or medical facility after treatment for an injury, surgery, or medical procedure to allow continued recovery at lower cost than a hospital before returning to their residence. Overnight patient stays shall be permitted as part of this use. This definition shall not include detoxification facility.

Rehabilitation/Renovation

The act or process of improving a **structure's** condition through repair and alterations while respecting those features **significant** to its architectural, historic or cultural value.

Religious Institution

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

Rental and Leasing Store

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

Research and Development Facility

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

Research and Scientific Laboratory

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

Residential Condominium Development

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

Residential District

The AR, R1, R2, R3, RP, MHS, and MHP **zoning districts**.

Riding Stable, Residential

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

Right-of-Way

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

~~**Riverine (see Floodplain regulations - §157.412(B), Definitions)**~~

Root Parcel of Land

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

Runway (see Airport Overlay District definitions)

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

Sales Yard

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

Salvage Yard

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

Sanitary Landfill

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

Satellite Dish, Large

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

Satellite Dish, Small

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

Savings and Loan

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

Solid Waste

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

(1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the **City** Code;

(2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);

(3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or

(4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

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

(1) Collection containers for **solid waste**;

(2) The transfer of **solid waste** at the point of generation;

(3) A **recycling processing facility** that receives distinct and recognizable **solid waste** items that fall under the definition of "**recycling processing facility**";

(4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or

(5) A facility that generates **solid waste**.

Sorority House

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

Special Event

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

~~**Special Flood Hazard Area (SFHA) (see Floodplain regulations - §157.412(B), Definitions)**~~

Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to §157.503(D) and the other applicable provisions of this ordinance prior to commencing the **use**.

Stadium/Racetrack

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

~~**Start of Construction (see Floodplain regulations - §157.412(B), Definitions)**~~

Steeple

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

~~**Stem Wall Foundation, Backfilled (see Floodplain regulations - §157.412(B), Definitions)**~~

Stoop

A small set of stairs ending in a platform leading to the entrance of a **building**.

Storage

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

Storage Building

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

Storage Shed (see "Shed")

Story

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

Story-Half

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

Structure

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

~~**Structure (see Floodplain regulations - §157.412(B), Definitions)**~~

Structure, Primary (see Building, Primary)

Structure, Temporary

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

Studio

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

Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **exempt division of land** pursuant to §157.303(C)(2). The following classifications shall also be included under this definition:

(1) **Subdivision, Major**

A **subdivision** of land meeting the definition of a **Major Subdivision** in §157.303(C)(4).

Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §157.303(C)(3).

Substantial Change

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

~~**Substantial Damage (see Floodplain regulations - §157.412(B), Definitions)**~~

~~**Substantial Improvement (see Floodplain regulations - §157.412(B), Definitions)**~~

Supermarket (See "Grocery Store")

Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

Synagogue (see "Religious Institution")

Tavern (see "Bar")

Television Station

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

Temple (see "Religious Institution")

~~**Temporary structure (Public Freshwater Lakes only) (see Floodplain regulations - §157.412(B), Definitions)**~~

Tennis Court

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tire Sales

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

Top Roof Line

The principal top edge of the roof of a **building**.

Townhouse Complex (see "Multiple Family Complex")

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

Transition

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

Transitional Use

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **special use** on **lots** which adjoin an **arterial** or **collector** roadway.

Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within **building**(s) or **structure**(s) or on a **lot**, **tract**, or **development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for **group residential facility, FHAA (small)**, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, **structures**, or other facilities used or intended to be used by any **private utility** other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Fixture (see "Utility Fixture, Accessory")

Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **on-site sewage system** or septic tank covers, pumps, inspection pipes, **solar panels** (**building** mounted), utility connection enclosure boxes, electric vehicle charging stations, or well heads.

Utility Runway (see Airport Overlay District definitions)

~~**Variance (see Floodplain regulations - §157.412(B), Definitions)**~~

Veterinary Clinic (see "Animal Hospital")

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

~~**Violation (see Floodplain regulations - §157.412(B), Definitions)**~~

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement

Wall

The vertical exterior surface of a **building** or **structure**.

~~**Walled and Roofed (see Floodplain regulations - §157.412(B), Definitions)**~~

Wall, Freestanding (see "Fence")

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a **self-service storage (mini-warehouse) facility**.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

~~**Watercourse (see Floodplain regulations - §157.412(B), Definitions)**~~

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "**Wetlands**" generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as "marsh" in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as "poorly drained" and "very poorly drained" and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight **terminal**s; bus barns; **parcel** services; major post offices; grain **terminal**s; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see Airport Overlay District definitions)

Wind Energy Conversion System

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

Wind Energy Conversion System, Micro

A building-mounted wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than twelve (12) feet above the highest point of the roof.

#ZORD- 2026-0008

BILL NO. G-26-09-25

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. Savings Clause; Limited Survival for Previously Issued Notices of Violation.

a) Definitions.

1. "Effective Date" means January 1, 2027 which is the effective of Fort Wayne City Code Chapter 54.
2. "Preserved Notice" means a written notice of violation, citation, stop-work order, cease-and-desist order, or order to remedy that was issued and served by the Department of Planning Services and/or the City of Fort Wayne Zoning Administrator under Fort Wayne City Code Chapter 157.412 before the Effective Date, and that remains unresolved on the Effective Date. A Preserved Notice includes all proceedings arising from it, including administrative hearings and appeals, judicial review, civil actions, liens, and proceedings to collect any fine, penalty, judgment, or cost.

b) Limited Survival.

Notwithstanding the repeal effected by Fort Wayne City Code Chapter 54 as it existed immediately before the Effective Date Fort Wayne City Code Chapter 157.412 remains in effect for the sole and limited purpose of concluding each Preserved Notice. Each Preserved Notice shall be adjudicated and enforced under the standards, procedures, remedies, and penalties of Fort Wayne City Code Chapter 157.412 as though it had not been repealed.

c) Scope of retained authority.

With respect to Preserved Notices only, the Department of Planning Services, the City of Fort Wayne Zoning Administrator, the Fort Wayne Plan Commission, the Fort Wayne Board of Zoning Appeals, and/or the Fort Wayne City Attorney shall retain authority to prosecute, defend, hear, adjudicate, compromise, settle, withdraw, or dismiss the matter; to conduct inspections necessary to determine compliance with the Preserved Notice; to verify abatement and close the matter; and to assess, reduce, and collect fines, penalties, fees, and costs accrued under the Preserved Notice. An administrative appeal of a Preserved Notice shall be heard and decided under the procedures in effect when the Preserve Notice was issued.

d) Limitation on authority.

On and after the Effective Date, the Department of Planning Services and/or the Zoning Administrator shall not issue any new, amended, supplemental, or successive notice of violation, citation, or order under Fort Wayne City Code Chapter 157.412, whether for the conduct or condition underlying a Preserved Notice or otherwise. Authority to initiate any new enforcement action concerning any floodplain regulation rests exclusively with the Floodplain Administrator under Fort Wayne City Code Chapter 54.

e) Cutoff of accrual.

Any per-day or continuing fine or penalty accruing under a Preserved Notice ceases to accrue as of the Effective Date. Penalties accrued through the Effective Date remain due, collectible, and enforceable. New conduct or conditions occurring on or after the Effective Date may only be subject to a new notice of violation issued under Fort Wayne City Code Chapter 54.

f) No abatement of accrued rights or liabilities.

The repeal does not abate, impair, discharge, or affect any Preserved Notice, or any violation, fine, penalty, forfeiture, lien, judgment, or liability accrued before the Effective Date; does not affect the validity or enforceability of any permit, variance, or approval issued under Fort Wayne City Code Chapter 157.412 or any condition attached to it; and does not revive any ordinance previously repealed.

g) Schedule of Preserved Notices.

The Zoning Administrator shall, within fifteen (15) days after the Effective Date, prepare and file with the Floodplain Administrator under Fort Wayne City Code Chapter 54 a schedule identifying each Preserved Notice by address, parcel number, respondent, date of issuance, and procedural posture. The schedule is evidence of, but not a condition of, the survival of a Preserved Notice under this Section; the inadvertent omission of a notice from the schedule does not impair its enforceability.

h) Expiration.

This Section expires by its own terms, without further action of the Fort Wayne Common Council, upon the conclusion of the last Preserved Notice, or three (3) years after the Effective Date, whichever occurs first.

SECTION 2. That the current Chapter 157, Section 157.100 (General Provisions); Section 157.400 (Additional General Standards); Section 157.500 (Administration) are hereby amended as follows.

Amendment OD 1 - §157.113
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "the Floodplain regulations"

Amendment AGS 1 - §157.401
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "and floodplain management"

Amendment DDS 1 - §157.404 (H)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed reference to existing location of floodplain management regulations and added "managed by the Fort Wayne City Utilities Department"

Amendment DDS 2 - §157.404 (W) (6)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "§157.412 (Floodplain)"

Amendment FP 1 - §157.412
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced entire Floodplain section with "Reserved"

Amendment PRO 1 - §157.503 (D) (1)
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "Flood control improvement project/non-permitted fill, private" from the Special Uses table

Amendment DEF 1 §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed all referenced floodplain definition terms.

Amendment DEF 2 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "For the purposes of the floodplain regulations, adjacent shall mean "adjoining"" from the definition of adjacent

Amendment DEF 3 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore removed "management" from the definition of Common Area

Amendment DEF 4 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Flood

Amendment DEF 5 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore replaced "– A.C.C. 3-4-12-2, Definitions" with "Management" in the definition of Floodplain

Amendment DEF 6 - §157.506

Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore added "Floodplain management regulations are managed by the Fort Wayne City Utilities Department" as the definition of Floodplain Management Regulations

Amendment DEF 7 - §157.506
Remove Floodplain Administrator duties from DPS and convey these duties to FWCU; therefore added "A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use." as the definition of Recreational Vehicle

SECTION 3. That this Ordinance, after its passage and approval by the Mayor, shall be in full force and effect starting on January 1, 2027.

_____
Council Member

APPROVED AS TO FORM AND LEGALITY:

_____
Malak Heiny, City Attorney

BILL NO. G-26-09-25

REPORT OF COMMITTEE ON REGULATIONS
November 10, 2026

Rohli Booker 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

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

JOHN D. MCGAULEY
CITY CLERK

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

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

DATED: November 10, 2026

JOHN D. MCGAULEY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-26-09-25 on the 10th day of November , 2026

ATTEST:

JOHN D. MCGAULEY
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of November 2026, at the hour of 9:00 o'clock A.M. E.S.T.

JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 12th day of November 2026, at the hour of 1:52 o'clock P.M. E.S.T.

SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk
NOV 12 2026
RECEIVED