

Allen County

Zoning Ordinance



Zoning Ordinance
Effective April 3rd, 2014
Amended January 1st, 2015
Amended January 1st, 2016
Amended January 1st, 2018
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Amended September 6th, 2019
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TITLE 2 – GENERAL PLANNING

ARTICLE 3 – COMPREHENSIVE PLAN

Chapter 1 Title and Adoption

2-3-1-1 The **Comprehensive Plan** for Allen County shall be formally known as "The **Comprehensive Plan** for the City of Fort Wayne and Allen County" (Plan-It Allen); it may also be cited and referred to as the "**Comprehensive Plan**". The **Comprehensive Plan**, containing goals, objectives, strategies, guiding principles, maps, figures, and charts for Community Facilities, Community Identity and Appearance, Economic Development, Environmental Stewardship, Housing and Neighborhoods, Land Use, Transportation, and Utilities, was adopted by the **Board of Commissioners** of the County of Allen on March 30, 2007.

Chapter 2 Guidance and Consideration

2-3-2-1 Each governmental entity within the **planning jurisdiction** of the Allen County **Plan Commission** shall be guided by and give consideration to the general policy and pattern of **development** set out in the **Comprehensive Plan** and to other land **use** policies adopted in this article, including the:

- (a) Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;
- (b) Authorization, construction, **development**, alteration, or abandonment of public ways, public places, public lands, public **buildings** and **structures**, or public utilities;
- (c) Objectives and policies for future land **use development**; and
- (d) Adoption, amendment, or repeal of zoning ordinances, (including zoning maps), **subdivision** control ordinances, historic preservation ordinances, and other land **use** ordinances.

Chapter 3 Amendments

2-3-3-1 Amendments to the **Comprehensive Plan** shall be prepared and approved according to the procedures set forth in IC 36-7-4-500 (the 500 series – **Comprehensive Plan**).

Chapter 4 Copy on File

2-3-4-1 A copy of the approved **Comprehensive Plan**, including all maps and amendments, shall be placed and kept on file in the office of the Allen County **Recorder**. A copy of the approved Plan shall also be placed and kept on file in the office of the **Department of Planning Services** and shall be available for public examination during the regular business hours of said offices.

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ARTICLE 4 – TRANSPORTATION PLAN

Chapter 1 Title and Adoption

2-4-1-1 A Transportation Plan, prepared by the Northeastern Indiana Regional Coordinating Council and adopted by the **Board of Commissioners** of the **County** of Allen, shall be considered the Transportation Plan for Allen **County**. It may be cited and referred to as the “Transportation Plan”.

Chapter 2 Guidance and Consideration

2-4-2-1 The **Board of Commissioners** and other governmental entities within the jurisdiction of the Allen **County Plan Commission** shall pay reasonable regard to the general policies, objectives, and proposed highway, transit, and pedestrian/bicycle systems improvement projects set forth in the Transportation Plan as part of the review and approval of proposed projects; the authorization, construction, **development**, and improvement of **public streets** and roadways; the abandonment of public ways; and other matters relevant to the Transportation Plan.

Chapter 3 Copy on File

2-4-3-1 A copy of the approved Transportation Plan shall be kept on file in the office of the **Board of Commissioners**. A copy of the approved Transportation Plan shall also be kept on file in the office of the **Department of Planning Services** and the Northeastern Indiana Regional Coordinating Council (NIRCC), and shall be available for public examination during the regular business hours of said offices.

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TITLE 3 – ZONING ORDINANCE

ARTICLE 1 – GENERAL PROVISIONS

Chapter 1 Title

3-1-1-1 This ordinance shall be formally known as the “Allen **County** Zoning Ordinance”; the Allen **County** Zoning Ordinance may also be cited and referred to as the “Zoning Ordinance” or “ordinance”. This ordinance is codified as Title 3 to the Allen **County** Code. Citations to this ordinance shall be by Title, Article, Chapter and Section of the Allen **County** Code; for example, A.C.C. 3-1-1-1.

Chapter 2 Authority

3-1-2-1 This ordinance is adopted by the **Board of Commissioners** of the **County** of Allen pursuant to its authority under the laws of the State of Indiana, including the 600 Series of Indiana Code (IC 36-7-4-600).

Chapter 3 Effective Date

3-1-3-1 This ordinance and any subsequent amendments shall be in full force and effect as of the designated effective date noted in the ordinance adopted by the **Board of Commissioners**; if there is no designated effective date, the ordinance shall be in effect as of the date of the **Commissioners** approval.

Chapter 4 Purpose

3-1-4-1 The purpose of this ordinance is to promote carefully planned, orderly growth and **development** and the efficient **use** of land resources within the **County’s planning jurisdiction**, and to carry out the land **use** objectives and strategies of the **Comprehensive Plan**, and in doing so to:

- (a) Carry out the purposes of IC 36-7-4-201(b) and the IC 36-7-4-600 Series, including, but not limited to the following:
 - (1) Promote the health, safety, convenience, and welfare of the citizens of the community;
 - (2) Secure adequate light, air, and convenience of access;
 - (3) Provide safety from fire, flood, and other danger;
 - (4) Reduce or avoid congestion and provide for the safe and efficient movement of vehicles and pedestrians along public ways;
 - (5) Encourage that the growth of the community is commensurate with and promotive of the efficient and economical **use** of public funds;
 - (6) Set forth the **uses** permitted in the **County’s** residential, commercial, and industrial **districts**; and establish other permitted and prohibited land **uses**;
 - (7) Establish **uses** that the **Board of Zoning Appeals** may permit as **contingent uses** and **special uses**, along with the **zoning districts** where **special uses** will be allowed;
 - (8) Regulate both the **use** and the intensity of **use** of land for commercial, community, industrial, institutional, residential, and other purposes and activities;
 - (9) Establish minimum standards for **lot** areas and sizes, **yard** requirements, and **residential building** sizes;

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- (10) Establish maximum **building** and **structure** heights;
 - (11) Establish standards for accessory construction such as **fences, garages, sheds, swimming pools**, and similar **buildings, structures** and **uses**; and
 - (12) Provide consistent **subdivision** control provisions, standards, and policies.
- (b) Provide for the enforcement of this ordinance, including recourse for **violations** and other noncompliance with these provisions; and
 - (c) Define terms used in this title.

Chapter 5 Jurisdiction

3-1-5-1 This ordinance shall apply to all land within the **planning jurisdiction** of the **County**. A map showing the boundaries of the **County's planning jurisdiction** shall be available for public inspection in the office of the **Department of Planning Services**. This ordinance does not revoke any previously-granted extra-territorial **planning jurisdiction**. Any requests for a city or town to exercise jurisdiction over any part of the unincorporated area beyond the city or town's corporate limits shall be prepared and considered as set forth in IC 36-7-4-205(e). **DPS** staff shall maintain a map showing all areas of extra-territorial jurisdiction.

Chapter 6 Reserved

Chapter 7 Applicability

3-1-7-1 Except as noted below, this ordinance shall be applicable to all **structures**, land, and **uses** on property located within the **planning jurisdiction** of the **County**, including private **primary uses** on otherwise-exempt property. Any applicant or property **owner** who feels that their property or proposed **building, structure** or **use** is expressly exempted from this ordinance (as in the case of express field implied pre-emption, or pre-emption under IC 36-7-4-1104 (b)) shall be required to furnish documentation supporting such an exemption. A project that may otherwise be deemed exempt may be voluntarily submitted for review. Projects or properties which are exempt within the **County's planning jurisdiction** shall not automatically be exempt outside of the **County's planning jurisdiction**.

However, this ordinance does not apply to, and does not regulate or restrict, the **County's** public **use** of any **lot** or **parcel** within the **Commission's planning jurisdiction** that is only owned and occupied for **County** purposes by the **Board of Commissioners**. In the event the **Board of Commissioners** cease to own or occupy the **lot** or **parcel** for a **County** public **use**, then this ordinance shall apply, and shall regulate and restrict, any other **use** of the **lot** or **parcel**. Any prior **use** of a **lot** or **parcel** by the **Board of Commissioners** that was exempt from this ordinance shall not be deemed a **nonconforming use** when the **Board of Commissioners** cease to own or occupy the **lot** or **parcel** for a **County** public **use**.

Chapter 8 Compliance

3-1-8-1 After the effective date of this ordinance, no **building, structure** or land shall be used, and no **building** or **structure** shall be altered, converted, enlarged, erected, moved, reconstructed, or reused except in conformance with the provisions of this ordinance, including the issuance of any required permits. No **lot** or **parcel** shall hereafter be established or divided except in conformance with the provisions of this ordinance. Existing **buildings, structures** and **uses** that do not comply with the provisions of this ordinance shall be subject to the provisions of A.C.C. 3-5-4 (Nonconforming Situations).

Chapter 9 Reserved

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Chapter 10 Graphics, Headings, and Illustrations

3-1-10-1 To aid in the creation of standards that are reasonable, clear and precise, this ordinance includes diagrams, graphics, illustrations, images, and tables to help show the applicability, **use**, and intent of the relevant standards. The accompanying ordinance text is also intended to explain the standard that the diagram, graphic, or illustration is showing. If there is a conflict between the text and a diagram, graphic, or illustration, the text shall override the diagram, graphic, or illustration.

Chapter 11 Interpretation

3-1-11-1 In cases where the provisions of this ordinance require interpretation, such 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.

Chapter 12 Minimum Requirements

3-1-12-1 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 **County**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **County**.

Chapter 13 Overlay Districts

3-1-13-1 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** and the Floodplain regulations.

Chapter 14 Relation to Plans

3-1-14-1 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).

Chapter 15 Relation to Other Laws and Regulations

3-1-15-1 (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.

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- (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) All **infrastructure** installed in conjunction with a project based on the provisions of this ordinance shall meet the applicable requirements of the Americans with Disabilities Act.

Chapter 16 Saving Provision

3-1-16-1 This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, **Subdivision** Control Ordinance, or related ordinance. This ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

Chapter 17 Severability

3-1-17-1 If any provision of this ordinance as existing now or later amended, or its application to any **person** or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Chapter 18 Similar Uses Permitted

3-1-18-1 The **uses** specified herein shall be permitted in the noted **zoning districts**. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these provisions may be permitted with the approval of the **Zoning Administrator**; however, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein.

Chapter 19 State Statute Amendments

3-1-19-1 If any of the provisions of Indiana Code cited in this ordinance are amended or superseded, this ordinance shall be deemed amended with regard to the reference(s) to the new or revised code, until such time that the ordinance is amended to conform to the new or revised code. If Indiana Code is amended to require a more restrictive standard than this ordinance, the more restrictive State standard shall be applicable and enforced.

Chapter 20 Subdividing Land

3-1-20-1 Land may be **subdivided** within any **zoning district**.

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Chapter 21 Transitional Provisions and Vested Rights

3-1-21-1 The intent of this section is to make this ordinance fully effective, but to allow for the continuation of all vested rights related to permits and approvals issued prior to April 3, 2014. The transitional provisions shall apply to the following situations:

(a) Applications Filed Prior to April 3, 2014

(1) Completed Applications

Any application for an **Improvement Location Permit, Certificate of Occupancy, or Certificate of Compliance**, or any application for a land use approval from the **Board of Zoning Appeals** or the **Plan Commission**, which has been filed with the required filing fee and which has been determined to be complete prior to April 3, 2014, shall be regulated by the terms and provisions of the zoning ordinance that were in effect as of the date the application was determined to be complete. Any re-application for an expired application or permit shall meet the provisions and **development** standards of the zoning ordinance in effect at the time of re-application. However, any such completed application filed before April 3, 2014, shall be subject to the administrative procedures, procedural rules, and hearing process in effect at the time the completed application is reviewed or heard at a public hearing.

(2) No Applications Submitted and Incomplete Applications

Projects for which no application has been submitted or which have been determined to be incomplete prior to April 3, 2014 shall be subject to all requirements and standards of this ordinance.

(b) Approved Permits and Projects

(1) Permits

All permits (including **Improvement Location Permits, Site Plan Reviews, Certificates of Occupancy, and Certificates of Compliance**) which have been issued prior to April 3, 2014, or which are issued after April 3, 2014 for a complete application filed under A.C.C. 3-1-21-1(a)(1) shall remain valid and in effect until the applicable expiration date. Projects with valid permits may be carried out in accordance with the provisions and **development** standards of the zoning ordinance in effect at the time of the approval of the permit, or at the time of filing a completed application under A.C.C. 3-1-21-1(a)(1), provided that the permit does not expire or lapse prior to April 3, 2014. If an application to substantially change a permit is filed after three (3) years of the effective date of this ordinance, then the change to the permit shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(2) **Plan Commission** Final Decisions

All **Plan Commission** final decisions (as defined in IC 36-7-4-1016(b), which includes Development Plans and **plats**) which have been approved prior to April 3, 2014, or which were approved after April 3, 2014 for a complete application filed under A.C.C. 3-1-21-1(a)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Plan Commission** may be carried out in accordance with the **Plan Commission's conditions** of approval and the provisions and **development** standards of the zoning ordinance in effect at the

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time of the **Plan Commission's** decision, or for a completed application under A.C.C. 3-1-21-1(a)(1) above at the time the application is filed; unless the **Plan Commission's** decision is reversed, expired or lapsed prior to April 3, 2014. If an application to substantially change a **Plan Commission** final decision is filed after three (3) years of April 3, 2014, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(3) **Density Requirements in Rezoning**

All rezonings that have been approved before April 3, 2014, that have an established density requirement shall remain in full force and effect, until the density requirement is amended or removed by another rezoning ordinance approved by the legislative body.

(4) **Board of Zoning Appeals Final Decisions**

All **Board of Zoning Appeals** final decisions (as defined in IC 36-7-4-1016(a), which includes special exceptions, **special uses, contingent uses, use** variances, and variance from **development** standards) which have been approved prior to April 3, 2014, or which were approved after April 3, 2014 for a complete application filed under A.C.C. 3-1-21-1(a)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Board of Zoning Appeals** may be carried out in accordance with the **Board of Zoning Appeals conditions** of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Board of Zoning Appeals'** decision, or for a completed application under Section (A)(1) at the time the application is filed; unless the **Board of Zoning Appeals'** decision expires, lapses, or is reversed prior to the effective date of this ordinance. If an application to substantially change a **Board of Zoning Appeals** final decision is filed three (3) years after April 3, 2014, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(5) **Commitments**

Any **commitments** submitted as part of a rezoning, a **Plan Commission** final decision, or a **Board of Zoning Appeals'** final decision that is recorded prior to April 3, 2014, shall remain in full force and in effect. If an application to substantially change a **commitment** is filed after three (3) years of April 3, 2014, then the change to the **commitment** shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

(6) **Changes**

No provision of this ordinance shall require any change in the plans, construction, or designated **use** of any **structure** for which an **Improvement Location Permit** has been issued prior to April 3, 2014, or for a permit that was issued under A.C.C. 3-1-21-1(a)(1) above.

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(7) Extensions

The decision-making body that granted the original approval may renew or extend the time of a valid previous approval. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in A.C.C. 3-5-3 (Procedures).

(8) Re-application

Any re-application for an expired permit or project approval shall meet the provisions and standards of the zoning ordinance in effect at the time of re-application.

(c) **Violations** Continue

Any **violation** occurring under the previous Zoning Ordinance will continue to be a **violation** under this ordinance and be subject to penalties and enforcement pursuant to A.C.C. 3-5-3 (Enforcement), unless the **use, development**, construction, or other activity complies with the provisions of this updated ordinance.

(d) **Nonconforming Uses and Structures** Under Prior Ordinance

Any **nonconforming use** or **structure** that lawfully existed on April 3, 2014, will be allowed to continue, as long as the nonconformity that resulted in the nonconforming status under the previous ordinance continues to exist. If a nonconformity under the previous ordinance conforms to the provisions or **development** standards of this ordinance, then the **use** or **structure** shall no longer be deemed nonconforming, but shall be considered a permitted **use** or **structure** and subject to the provisions of this ordinance.

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Chapter 22 Zoning District Designation Conversions

3-1-22-1 The existing **zoning district** designations shall be converted into updated **zoning district** designations as noted in the table below.

Existing and Updated Zoning Designations	
Existing Zoning Designation	Updated Zoning Designation
A-E/Exclusive Agricultural	A1/Agricultural
A-1/Agricultural	A1/Agricultural
A-3/Estates	A3/Estates
RS-1/Suburban Residential	R1/Single Family Residential
RS-2/Two Family Residential	R2/Two Family Residential
RS-3/Multiple Family	R3/Multiple Family Residential
MH/Manufactured Housing (if platted)	MHS/ Manufactured Home Subdivision
MH/Manufactured Housing (if unplatted/Development Plan)	MHP/ Manufactured Home Park
RSP-1/Planned Single Family	R1/Single Family Residential
RSP-2/Planned Two- Family	R2/Two Family Residential
RSP-3/Planned Multiple Family	R3/Multiple Family Residential
RSP-MH/Planned Manufactured Housing (if platted)	MHS/ Manufactured Home Subdivision
RSP-MH/Planned Manufactured Housing (if unplatted/ Development Plan)	MHP/ Manufactured Home Park
C-1A/Professional and Personal Services	C1/ Professional Office and Personal Services
C-1B/Planned Business and Technology	BTI/Business, Technology, and Industrial Park
C-1/Limited Commercial	C2/Limited Commercial
C-7A/Neighborhood Shopping Center	NC/ Neighborhood Center
C-7B/Community Shopping Center	NC/ Neighborhood Center
C-7C/Metropolitan Shopping Center	SC/ Shopping Center
C-7D/Regional Shopping Center	SC/ Shopping Center
C-3/General Commercial	C3/General Commercial
C-4/Roadside Commercial	C4/Intensive Commercial
C-5/Commercial Interchange	C3/General Commercial
C-6/Drive-in Facilities	C3/General Commercial
C-P/Planned Commercial	Corresponding Commercial District
I-1/Light Industrial	I1/Limited Industrial
I-2/General Industrial	I2/General Industrial
I-3/Heavy Industrial	I3/Intensive Industrial
I-4/Planned Industrial Park	BTI/Business, Technology, and Industrial Park
I-P/Planned Industrial	Corresponding Industrial District

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ARTICLE 2 – ZONING DISTRICTS

Chapter 1 General Zoning District Provisions

3-2-1-1 Purpose

The purpose of this section is to establish designations, standards, and requirements for the following:

- (a) **Zoning district** boundaries;
- (b) **Zoning district** conversions;
- (c) **Zoning district** designations;
- (d) Zoning maps; and
- (e) **Zoning district** and map determinations and interpretations.

3-2-1-2 Zoning Districts

All of the area within the **planning jurisdiction** of the **Plan Commission** is hereby divided and classified into the **zoning districts** designated in the following table.

DISTRICT DESIGNATIONS	
A1	Agricultural
A3	Estates
R1	Single Family Residential
R2	Two Family Residential
R3	Multiple Family Residential
MHS	Manufactured Home Subdivision
MHP	Manufactured Home Park
C1	Professional Office and Personal Services
C2	Limited Commercial
NC	Neighborhood Center
SC	Shopping Center
C3	General Commercial
C4	Intensive Commercial
BTI	Business, Technology, and Industrial Park
I1	Limited Industrial
I2	General Industrial
I3	Intensive Industrial

3-2-1-3 Zoning Maps

The **zoning districts** designated herein, and the boundaries of the respective **zoning districts**, shall be as shown on the Allen **County** zoning maps on file in the office of the **DPS** staff. The zoning maps are hereby incorporated as part of this Title.

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3-2-1-4

District Boundaries

Zoning district boundary lines shall be considered to be: **lot lines**; the centerline of any **alley, street, or road right-of-way**; or the centerline of any ditch, drain, river, stream, or other watercourse unless the zoning maps indicate otherwise. However, for the purpose of establishing minimum distances from **residential zoning districts** as required in this chapter, the measurement shall always be taken from **lot line to lot line**, as opposed to being taken from the center line or other point within a **public street or alley right-of-way**.

3-2-1-5

District Conversions

- (a) Any land under the **planning jurisdiction** of the New Haven **Plan Commission** which may be added to the **planning jurisdiction** of the **Plan Commission** shall automatically be converted into the corresponding Allen County **zoning district** as set forth in the following table.

CORRESPONDING ZONING DESIGNATIONS			
NEW HAVEN DISTRICT		COUNTY DISTRICT	
A-1	Agricultural	A1	Agricultural
		A3	Estates
RS-1	Residential Single-Family	R1	Single Family Residential
RS-2	Residential Two-Family	R2	Two Family Residential
RS-3	Residential Multiple-Family	R3	Multiple Family Residential
RS-P	RS-P (Residential Planned)		Corresponding Residential District
M-H	Manufactured Housing	MHS	Manufactured Home Subdivision
		MHP	Manufactured Home Park
C-1A	Professional and Personal Services	C1	Professional Office and Personal Services
C-1	General Commercial	C2	Limited Commercial
C-2	Planned Shopping Center		Corresponding NC or SC District
C-4	Roadside Commercial	C4	Intensive Commercial
C-P	Planned Business		Corresponding Commercial District
I-1	Light Industrial	I1	Limited Industrial
I-2	General Industrial	I2	General Industrial
I-3	Heavy Industrial	I3	Intensive Industrial
I-P	Planned Industrial		Corresponding Industrial District

- (b) If no specific zoning conversion is noted in this chapter, the **Zoning Administrator** shall determine the appropriate **zoning district** conversion based on the **Comprehensive Plan**, existing or proposed **development** in the area, and recommendation of the **Plan Commission**.

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3-2-1-6 Interpretation of Zoning Maps

If there is uncertainty or conflict with regard to the location of a **zoning district** boundary, the **Zoning Administrator** shall determine the correct boundary location, in accordance with the following:

- (a) It is intended that **zoning district** boundary lines follow the boundary survey perimeter **lot lines** or the legal description submitted as a part of an approved zoning map amendment;
- (b) If no survey or legal description exists then the **zoning district** boundary lines are intended to follow **lot lines**; the centerline of any **alley, street, or road right-of-way**; or the centerline of any ditch, drain, **river, stream, or other watercourse**;
- (c) If a **zoning district** boundary line divides a **lot**, the location of the boundary line shall be determined by measurement, based on the scale of the zoning map; and
- (d) The **Zoning Administrator** may also consider existing or previous land **use(s)** on a **lot** in making such a determination.

Chapter 2 Permitted Uses

3-2-2-1

The following **uses** shall be permitted as set forth in the specified **zoning districts** in the following chapters. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these chapters may be permitted with the approval of the **Zoning Administrator**, based in part of the purpose of the applicable **zoning district**. However, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein. All **development** proposals shall be subject to the applicable review and approval procedures as set forth in A.C.C. 3-3-1 (Development Plans), A.C.C. 3-3-2 (Site Plan Review), and A.C.C. 3-5-3-2 (**Improvement Location Permit**).

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 3 A1 Agricultural

3-2-3-1 Purpose

The Agricultural **district** is intended to permit a wide range of agricultural activities as well as limited types of low-density residential **development** and other **uses** customarily conducted in or associated with agricultural areas, and certain additional community-oriented **uses**.

3-2-3-2 Permitted Uses

The following **uses** are permitted as a matter of right in an A1 **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-3-4; plus **roadside stand**;
- (b) **Agricultural uses and buildings**, including:
 - (1) agricultural barn, as a **primary building** on a site of at least five (5) acres; the property **owner** shall submit documentation of participation in an **agricultural use**;
 - (2) **agronomic crop production**, along with any machinery or vehicles necessary for the crop production; **apiculture**; floriculture; forestry and tree farming; horticulture; and viticulture; and
 - (3) dairy, livestock, and poultry farming, including grassland and range pastures; excluding **Confined Feeding Operations (CFOs)**; also excluding fertilizer works, **slaughter houses**, and plants for the processing of animal skins or hides and/or the reduction of animal matter.
- (c) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly/**recreation facility or use**, in association with a **minor plat** or an existing single **family subdivision**;
- (d) **Group residential facility (small)**;
- (e) **Manufactured home, Type II**
- (f) **Manufactured home, Type III**, as either a primary or second **primary building**;
- (g) **Model home** (in association with a **minor plat**, permitted for up to two (2) years);
- (h) **Riding stable, residential** (shall be located on a **lot** with a **single family dwelling**);
- (i) **Single family dwelling (detached)**;
- (j) **Universally permitted use**;
- (k) **Wind energy conversion system, micro** (on unplatted **parcels**); and
- (l) **Wind energy conversion system, standard** (on **parcels** of over five (5) acres not **adjacent** to platted **lots** or **residential zoning districts**).

ALLEN COUNTY ZONING ORDINANCE

3-2-3-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Accessory building** conversion to a **single family dwelling**;
 - (2) **Accessory building** (non-agricultural) construction prior to the construction of a single **family primary building**; the **accessory building** shall be limited to a maximum of 2,000 square feet;
 - (3) **Agriculturally-allied uses**, to include:
 - (A) agriculture equipment repair facility;
 - (B) commercial dairy for the processing, packaging and distribution of dairy products;
 - (C) feed mills where grain is processed on a commercial basis;
 - (D) fertilizer sales, mixing and **storage**;
 - (E) livestock sales/**auction** barns; and
 - (F) a trucking operation primarily engaged in commercial transportation of agricultural products.
 - (4) **Airstrip/heliport** (for corporate or multiple **owner use**);
 - (5) **Animal hospital** (any outside animal areas shall meet the minimum **primary building setback** standards);
 - (6) **Animal kennel** (associated with a **single family dwelling**; any outside animal areas shall meet the minimum **primary building setback** standards);
 - (7) Animal rescue (associated with a **single family dwelling**); any outside animal areas shall meet the minimum **primary building setback** standards;
 - (8) Animal **slaughter house**;
 - (9) **Arena**;
 - (10) **Asphalt plant** (the plant shall be located at the site of an active, operating pit or quarry, and the operation of the plant shall stop if the pit or quarry operation stops);
 - (11) **Bed and breakfast**;
 - (12) **Boarding house**;
 - (13) **Building material disposal site**;
 - (14) **Class II child care home**;
 - (15) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (16) **Community garden** that includes a **structure**;
 - (17) **Concrete plant** (the plant shall be located at the site of an active, operating pit or quarry, and the operation of the plant shall stop if the pit or quarry operation stops);

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- (18) **Country club;**
- (19) **Educational institution** (not otherwise permitted);
- (20) **Educational institution**-associated facilities, **uses** and areas (on non-contiguous properties);
- (21) **Funeral home;**
- (22) **Greenhouse** (retail);
- (23) **Group residential facility (large);**
- (24) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
- (25) **Home enterprise** (see A.C.C. 3-5-3-4(c)(3) for additional standards);
- (26) **Home industry** (see A.C.C. 3-5-3-4(c)(4) for additional standards);
- (27) **Home workshop** (see A.C.C. 3-5-3-4(c)(5) for additional standards);
- (28) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
- (29) **Livestock operation (high intensity)**, including Concentrated and Confined Animal Feeding Operations; subject to the following additional standards:
 - (A) The minimum size of a **high intensity livestock operation** property shall be forty (40) acres;
 - (B) Any **building** or **structure** used for the **livestock operation** shall be located a minimum of one hundred (100) feet from any property line;
 - (C) Any **building** or **structure** used for the **livestock operation** shall be located a minimum of 1,320 feet from an existing **single family dwelling; child care center, hospital, nursing home, or other similar medical facility; public building; public park; religious institution; school;** any other **zoning district** not designated A1/Agricultural; or municipal boundary; as measured from the closest property line of the **livestock operation** to the closest property line of the existing **single family dwelling; child care center, hospital, nursing home, or other similar medical facility; public building; public park; religious institution; school;** any other **zoning district** not designated A1/Agricultural; or to the closest municipal boundary.
- (30) **Model home** (for an extension of time or expansion of scope);
- (31) **Nature preserve** (that includes a **structure** or **parking area**);
- (32) **Neighborhood facility;**
- (33) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
- (34) **Plant nursery** (retail);
- (35) Quarry or mine;
- (36) Reception, meeting, or **recreation hall; clubhouse;**
- (37) **Recreation area;**

ALLEN COUNTY ZONING ORDINANCE

- (38) **Recreation facility;**
 - (39) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (40) **Residential facility for a court-ordered re-entry program;**
 - (41) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (42) **Riding stable, nonresidential** (on a **lot** with no residential **building**; the stable shall be located on a **tract** of at least five (5) acres);
 - (43) **Sanitary landfill** (see A.C.C. 3-5-3-4(c)(7) for additional standards);
 - (44) **Sawmill** for the cutting and processing of lumber grown on-site (any saw or other machinery shall be located at least one hundred (100) feet from any **lot line**);
 - (45) **Shooting range** (indoor or outdoor archery, firearm, skeet, trap, or similar);
 - (46) **Sign** (temporary **subdivision** direction);
 - (47) **Solar panel (ground-mounted);**
 - (48) **Solid waste transfer station** (see A.C.C. 3-5-3-4(c)(8) for additional standards);
 - (49) **Stadium/racetrack;**
 - (50) **Storage building** (as a **primary building**);
 - (51) **Two family dwelling** (to allow conforming status for existing nonconforming **uses**, and to also allow new **two family dwellings**);
 - (52) **Utility facility, private** (not otherwise permitted or exempt);
 - (53) **Veterinary clinic** (any pen or run shall be located at least one hundred (100) feet from any **lot line**);
 - (54) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height);
 - (55) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent** to platted **lots** or **residential zoning districts**); and
 - (56) Winery.
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-3-4

Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling, and if there is no freestanding accessory dwelling unit on the property; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall/gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-3-5

Development Standards

(a) The standards in the following table shall apply in the A1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted; one primary single family detached residential building per lot, plus: Either one Type III manufactured home , or one freestanding accessory dwelling unit if there is no integrated accessory dwelling unit on the lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum)⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line)	
Public sewer	75'
Private sewage disposal	120'
Front yard	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

ALLEN COUNTY ZONING ORDINANCE

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 120' wide; 7' if the lot is less than 120' wide
Corner lot	The street side yard setback shall be the same as the front yard setback , based on the side lot line street classification, except that: <ul style="list-style-type: none"> • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

ALLEN COUNTY ZONING ORDINANCE

(b) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

ALLEN COUNTY ZONING ORDINANCE

Chapter 4 A3 Estates

3-2-4-1 Purpose

The Estates **district** is intended to encourage protection of land with unique or sensitive characteristics, including **significant natural features**. The land may also be generally unsuited for intensive activities and lacking the public sewer and water facilities required for higher density **development**.

3-2-4-2 Permitted Uses

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-4-4;
- (b) **Agricultural uses and buildings**, including:
 - (1) **agronomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; **apiculture**; floriculture; forestry and tree farming; horticulture; and viticulture; and
 - (2) production/keeping of cattle, goats, horses, pigs, sheep, and/or similar livestock, on properties of two (2) acres or more in size (excluding high intensity **livestock operations**).
- (c) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly/**recreation facility or use**, in association with a **minor plat** or an existing single **family subdivision**;
- (d) **Group residential facility (small)**;
- (e) **Model home** (in association with a **minor plat**, permitted for up to two (2) years);
- (f) **Riding stable, residential** (shall be located on a **lot** with a **single family dwelling**);
- (g) **Single family dwelling (detached)**;
- (h) **Universally permitted use**;
- (i) **Wind energy conversion system, micro** (on unplatted **parcels**); and
- (j) **Wind energy conversion system, standard** (on **parcels** of over five (5) acres not **adjacent** to platted **lots** or **residential zoning districts**).

ALLEN COUNTY ZONING ORDINANCE

3-2-4-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Accessory building** conversion to a **single family dwelling**;
 - (2) **Airstrip/heliport** (for corporate or multiple **owner use**);
 - (3) **Bed and breakfast**;
 - (4) **Boarding house**;
 - (5) **Class II child care home**;
 - (6) **Community garden** that includes a **structure**;
 - (7) **Country club**;
 - (8) **Educational institution** (not otherwise permitted);
 - (9) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);
 - (10) **Funeral home**;
 - (11) **Group residential facility (large)**;
 - (12) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (13) **Home enterprise** (see A.C.C. 3-5-3-4(c)(3) for additional standards);
 - (14) **Home workshop** (see A.C.C. 3-5-3-4(c)(5) for additional standards);
 - (15) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (16) **Model home** (for an extension of time or expansion of scope);
 - (17) **Nature preserve** (that includes a **structure** or **parking area**);
 - (18) **Neighborhood facility**;
 - (19) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (20) Quarry or mine;
 - (21) Reception, meeting, or **recreation hall**; **clubhouse**;
 - (22) **Recreation area**;
 - (23) **Recreation facility**;
 - (24) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (25) **Residential facility for a court-ordered re-entry program**;
 - (26) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (27) **Riding stable, nonresidential** (on a **lot** with no residential **building**; the stable shall be located on a **tract** of at least five (5) acres);
 - (28) **Sign** (temporary **subdivision** direction);

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- (29) **Solar panel (ground-mounted);**
 - (30) **Two family dwelling** (to allow conforming status for existing nonconforming uses, and to also allow new **two family dwellings**);
 - (31) **Utility facility, private** (not otherwise permitted or exempt);
 - (32) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height); and
 - (33) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent** to platted **lots** or **residential zoning districts**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-4-4

Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling and if there is no freestanding accessory dwelling unit on the property; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-4-5 Development Standards

- (a) The standards in the following table shall apply in the A3 **district**; all standards are minimum standards unless otherwise noted (table continues onto next page).

A3 ESTATES DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted: one primary single family detached residential building per lot, plus: One freestanding accessory dwelling unit , if there is no integrated accessory dwelling unit on the lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum)⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer	40,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line)	
All lots	150'
Front yard	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to except that: <ul style="list-style-type: none">• If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or• If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

ALLEN COUNTY ZONING ORDINANCE

A3 ESTATES DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 150' wide 7' if the lot is less than 150' wide
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that:</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes:	
(1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building	

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(b) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

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Chapter 5 Reserved

ALLEN COUNTY ZONING ORDINANCE

Chapter 6 R1 Single Family Residential

3-2-6-1 Purpose

The Single **Family Residential district** is intended to create and maintain areas for single **family residential uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** neighborhoods, along with certain additional **uses**.

3-2-6-2 Permitted Uses

The following **uses** are permitted as a matter of right in an R1 **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-6-4;
- (b) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (c) **Group residential facility (small)**;
- (d) **Model home** (permitted for up to two (2) years);
- (e) **Single family dwelling (detached)**; and
- (f) **Universally permitted use**.

3-2-6-3 Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
 - (1) **Animal keeping** (outdoor, small animal);
 - (2) **Bed and breakfast**;
 - (3) **Boarding house**;
 - (4) **Class II child care home**;
 - (5) **Club, private (transitional use)**;
 - (6) **Community facility** not otherwise permitted (**transitional use**);
 - (7) **Community garden** that includes a **structure**;
 - (8) **Country club**;
 - (9) **Educational institution** (not otherwise permitted);
 - (10) **Educational institution-associated facilities, uses, and areas** (on non-contiguous properties);
 - (11) **Emergency response facility (transitional use)**;
 - (12) **Funeral home**;
 - (13) **Golf course**;
 - (14) **Group residential facility (large)**;
 - (15) **Heliport** (private individual or accessory to permitted **nonresidential use**, excluding **hospital uses**);
 - (16) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);

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- (17) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (18) **Instruction/training/education (transitional use)**;
 - (19) **Live-work unit (transitional use)**;
 - (20) **Manufactured home, Type II and Type III** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (21) **Medical office (transitional use)**;
 - (22) **Model home** (for extension of time or expansion of scope);
 - (23) **Museum**;
 - (24) **Nature preserve** (that includes a **structure** or **parking area**);
 - (25) **Neighborhood facility**;
 - (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (28) **Professional office/business service (transitional use**, excluding **bank, credit union, loan office, or savings and loan**);
 - (29) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
 - (30) **Religious institution** or non-public school illuminated **athletic field(s)**;
 - (31) **Residential facility for a court-ordered re-entry program**;
 - (32) **Residential facility for homeless individuals** (for up to eight (8) individuals; the facility shall be located a minimum of 3,000 feet from a **small group residential facility**, a **large group residential facility**, a court-ordered re-entry program residential facility, or another **residential facility for homeless individuals**, as measured from the closest property lines of the facilities);
 - (33) **Sign** (temporary **subdivision** direction);
 - (34) **Solar panel (ground mounted)**;
 - (35) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (36) **Studio (transitional use)**;
 - (37) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
 - (38) **Utility facility, private** (not otherwise permitted or exempt);
 - (39) **Wind energy conversion system, micro** (for **single family detached dwellings** on unplatted land); and
 - (40) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

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3-2-6-4 **Accessory Buildings, Structures and Uses**

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

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3-2-6-5 Development Standards

(a) The standards in the following table shall apply in the R1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum)⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer (interior lot)	6,000
Public sewer (corner lot)	8,500
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line)	
Public sewer (interior lot)	50'
Public sewer (corner lot)	70'
Private sewage disposal	120'
Front yard⁽³⁾	
Platted lot	25' (or platted building line setback, whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot	
Private sewage disposal	15'
Public sewer	5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that:</p> <ul style="list-style-type: none"> • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences or walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure (except for fences or walls) shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
<p>Notes:</p> <p>(1) Excluding basement and attached garage area</p> <p>(2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions</p> <p>(3) See rear yard information for accessory structure and swimming pool side yard standards</p> <p>(4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less</p> <p>(5) Excluding swimming pools</p> <p>(6) If located behind the primary building</p>	

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(b) **Yard** Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

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Chapter 7 R2 Two Family Residential

3-2-7-1 Purpose

The Two **Family Residential district** is intended to create areas for medium density residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** and two **family residential development**, along with certain additional **uses**.

3-2-7-2 Permitted Uses

The following **uses** are permitted as a matter of right in an R2 **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-7-4;
- (b) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (c) **Group residential facility (small)**;
- (d) **Model home** (permitted for up to two (2) years);
- (e) **Single family dwelling (attached)** (one **building** of up to two (2) units);
- (f) **Single family dwelling (detached)**;
- (g) **Two family dwelling**; and
- (h) **Universally permitted use**.

3-2-7-3 Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
 - (1) **Animal keeping** (outdoor, small animal);
 - (2) **Bed and breakfast**;
 - (3) **Boarding house**;
 - (4) **Class II child care home**;
 - (5) **Club, private (transitional use)**;
 - (6) **Community facility** not otherwise permitted (**transitional use**);
 - (7) **Community garden** that includes a **structure**;
 - (8) **Country club**;
 - (9) **Educational institution** (not otherwise permitted);
 - (10) **Educational institution**-associated facilities, **uses**, and areas (on non-contiguous properties);
 - (11) **Emergency response facility (transitional use)**;
 - (12) **Funeral home**;
 - (13) **Golf course**;
 - (14) **Group residential facility (large)**;

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- (15) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
 - (16) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (17) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (18) **Instruction/training/education (transitional use)**;
 - (19) **Live-work unit (transitional use)**;
 - (20) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (21) **Medical office (transitional use)**;
 - (22) **Model home** (for extension of time or expansion of scope);
 - (23) **Museum**;
 - (24) **Nature preserve** (that includes a **structure** or **parking area**);
 - (25) **Neighborhood facility**;
 - (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (28) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
 - (29) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
 - (30) **Religious institution** or non-public school illuminated **athletic field(s)**;
 - (31) **Residential facility for a court-ordered re-entry program**;
 - (32) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (33) **Sign** (temporary **subdivision** direction);
 - (34) **Solar panel (ground mounted)**;
 - (35) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (36) **Studio (transitional use)**;
 - (37) **Utility facility, private** (not otherwise permitted or exempt);
 - (38) **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land** only); and
 - (39) **Wind energy conversion system, standard** (for **fire/police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

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3-2-7-4

Accessory Building, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

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3-2-7-5

Development Standards

(a) The standards in the following table shall apply in the R2 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page):

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum)⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50'	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard⁽³⁾		
Platted lot	25' (or platted building line setback , whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback 	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

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R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that:</p> <ul style="list-style-type: none"> On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
<p>Notes:</p> <ol style="list-style-type: none"> (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building 	

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(b) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

ALLEN COUNTY ZONING ORDINANCE

Chapter 8 R3 Multiple Family Residential

3-2-8-1 Purpose

The Multiple **Family Residential district** is intended to create areas for high density multiple **family residential uses**, as well as single and two-**family dwelling** units and other compatible **nonresidential uses**, where adequate public facilities are available.

3-2-8-2 Permitted Uses

The following **uses** are permitted as a matter of right in an R3 **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-8-4 (including rental/management office in a **multiple family complex**);
- (b) **Assisted living facility**;
- (c) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures and uses** typically associated with a single **family subdivision**;
- (d) **Fraternity or sorority house**;
- (e) **Group residential facility (small)**;
- (f) **Model home** (permitted for up to two (2) years);
- (g) **Multiple family complex**;
- (h) **Multiple family dwelling**;
- (i) **Off-site campus housing**;
- (j) **Retirement facility**;
- (k) **Single family dwelling (attached)**;
- (l) **Single family dwelling (detached)** (including multiple **primary structures**);
- (m) **Two family dwelling**; and
- (n) **Universally permitted use**.

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3-2-8-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Animal keeping** (outdoor, small animal);
 - (2) **Bed and breakfast**;
 - (3) **Boarding house**;
 - (4) **Class II child care home**;
 - (5) **Club, private (transitional use)**;
 - (6) **Community facility** not otherwise permitted (**transitional use**);
 - (7) **Community garden** that includes a **structure**;
 - (8) **Country club**;
 - (9) **Educational institution** (not otherwise permitted);
 - (10) **Educational institution-associated facilities, uses, and areas** (on non-contiguous properties);
 - (11) **Emergency response facility (transitional use)**;
 - (12) **Funeral home**;
 - (13) **Golf course**;
 - (14) **Group residential facility (large)**;
 - (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
 - (16) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (17) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (18) **Instruction/training/education (transitional use)**;
 - (19) **Live-work unit (transitional use)**;
 - (20) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (21) **Medical office (transitional use)**;
 - (22) **Model home** (for extension of time or expansion of scope);
 - (23) **Museum**;
 - (24) **Nature preserve** (that includes a **structure** or **parking area**);
 - (25) **Neighborhood facility**;
 - (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (27) **Personal service (transitional use, excluding copy/duplicating service, health club/fitness center, or social service agency)**;

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- (28) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan);**
 - (29) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);**
 - (30) **Religious institution** or non-public school illuminated **athletic field(s)**;
 - (31) **Residential facility for a court-ordered re-entry program;**
 - (32) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (33) **Sign** (temporary **subdivision** direction);
 - (34) **Solar panel (ground mounted);**
 - (35) **Subdivision clubhouse, meeting hall, neighborhood center,** or swim/tennis facility (if not previously approved as part of the **subdivision**);
 - (36) **Studio (transitional use);**
 - (37) **Utility facility, private** (not otherwise permitted or exempt);
 - (38) **Wind energy conversion system, micro** (for single **family detached dwellings** on **unplatted land** only); and
 - (39) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

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3-2-8-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted, as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

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3-2-8-5 **Development Standards**

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

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum)⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50'	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard⁽³⁾		
Platted lot	25' (or platted building line setback, whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback 	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

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R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot	
Private sewage disposal	15'
Public sewer	5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that:</p> <ul style="list-style-type: none"> • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Notes:	
<p>(1) Excluding basement and attached garage area</p> <p>(2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions.</p> <p>(3) See rear yard information for accessory structure and swimming pool side yard standards</p> <p>(4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less</p> <p>(5) Excluding swimming pools</p> <p>(6) If located behind the primary building</p>	

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(b) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

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Chapter 9 Reserved

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Chapter 10 MHS Manufactured Home Subdivision

3-2-10-1 Purpose

The **Manufactured Home Subdivision district** is intended to create areas for the **development** of **Type II manufactured homes** on individual **lots** which will provide for an environment of predominantly single **family development** with certain additional **uses**.

3-2-10-2 Permitted Uses

The following **uses** are permitted as a matter of right in an MHS **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-10-4;
- (b) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures and uses** typically associated with a single **family subdivision**;
- (c) **Group residential facility (small)**;
- (d) **Manufactured home, Type II**;
- (e) **Model home** (permitted for up to two (2) years);
- (f) **Single family dwelling (detached)**; and
- (g) **Universally permitted use**.

3-2-10-3 Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
 - (1) **Animal keeping** (outdoor, small animal);
 - (2) **Bed and breakfast**;
 - (3) **Boarding house**;
 - (4) **Class II child care home**;
 - (5) **Club, private (transitional use)**;
 - (6) **Community facility** not otherwise permitted (**transitional use**);
 - (7) **Community garden** that includes a **structure**;
 - (8) **Country club**;
 - (9) **Educational institution** (not otherwise permitted);
 - (10) **Educational institution-associated facilities, uses, and areas** (on non-contiguous properties);
 - (11) **Emergency response facility (transitional use)**;
 - (12) **Funeral home**;
 - (13) **Golf course**;
 - (14) **Group residential facility (large)**;
 - (15) **Heliport (private individual or accessory to a permitted nonresidential use, excluding hospital uses)**;

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- (16) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (17) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (18) **Instruction/training/education (transitional use)**;
 - (19) **Live-work unit (transitional use)**;
 - (20) **Medical office (transitional use)**;
 - (21) **Model home** (for extension of time or expansion of scope);
 - (22) **Museum**;
 - (23) **Nature preserve** (that includes a **structure** or **parking area**);
 - (24) **Neighborhood facility**;
 - (25) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (26) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (27) **Professional office/business service (transitional use**, excluding **bank, credit union, loan office, or savings and loan**);
 - (28) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club)**;
 - (29) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (30) **Residential facility for a court-ordered re-entry program**;
 - (31) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (32) **Sign** (temporary **subdivision** direction);
 - (33) **Solar panel (ground mounted)**;
 - (34) **Subdivision clubhouse, meeting hall, neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (35) **Studio (transitional use)**;
 - (36) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
 - (37) **Utility facility, private** (not otherwise permitted or exempt);
 - (38) **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land** only); and
 - (39) **Wind energy conversion system, standard** (for **fire/police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

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3-2-10-4 **Accessory Buildings, Structures, and Uses**

Accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Notes:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

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3-2-10-5 **Development Standards**

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

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum)⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer (interior lot)	6,000
Public sewer (corner lot)	8,500
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line)	
Public sewer (interior lot)	50'
Public sewer (corner lot)	70'
Private sewage disposal	120'
Front yard⁽³⁾	
Platted lot	25' (or platted building line setback , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: <ul style="list-style-type: none"> • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Side yard ⁽³⁾	
Interior lot	
Private sewage disposal	15'
Public sewer	5'
Corner lot	<p>The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that:</p> <ul style="list-style-type: none"> • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 50' an addition to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 50' an addition to a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
<p>Notes:</p> <ol style="list-style-type: none"> (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building 	

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(b) **Yard Projections and Additional Location Standards**

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS ⁽¹⁾			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽²⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽³⁾	May project up to 2'
Awning or canopy	May project up to 4'	May project up to 4' ⁽³⁾	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal)	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Slab on grade patio	May project up to 8'	May project up to 4' ⁽³⁾	May project up to 20'
Stoop	Permitted ⁽²⁾	May project up to 4' ⁽³⁾	Permitted ⁽²⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽²⁾	Permitted ⁽²⁾
Notes:			
(1) Except as noted below, buildings and structures shall not project into or be located in a required yard			
(2) May be located within required yard with no setback , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards			
(3) However, a 3' side yard shall be maintained			
(4) Shall meet minimum setback			

ALLEN COUNTY ZONING ORDINANCE

Chapter 11 MHP Manufactured Home Park

3-2-11-1 Purpose

The **Manufactured Home Park district** is intended to create areas for the location of multiple **Type III manufactured homes** on leased or rented **lots**. **Manufactured home park developments** shall require the review and approval of a Development Plan (see A.C.C. 3-3-1).

3-2-11-2 Permitted Uses

The following **uses** are permitted as a matter of right in an MHP **district**:

- (a) **Accessory building, structure, or use** as set forth in A.C.C. 3-2-11-3;
- (b) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, in association with an approved Development Plan;
- (c) **Manufactured home** project under single ownership (including **model home**, but excluding sales or service **lot**);
- (d) **Manufactured home, Type II**;
- (e) **Manufactured home, Type III**; and
- (f) **Universally permitted use**.

ALLEN COUNTY ZONING ORDINANCE

3-2-11-3 Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Access ramp	Hedge	Satellite dish
Address marker	Holiday decorations	Sign
Arbor or pergola	Landscape elements	Solar panels (building mounted)
Bird bath	Mailbox	Swimming pool
Bird house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
Tree house	
Notes:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-11-4

Development Standards

- (a) The standards in the following table shall apply in the MHP district; all are minimum standards unless otherwise noted.

MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Height (maximum) ⁽¹⁾	
Accessory building	25'
Primary building	40'
Front yard	
Standard lot	5'
Through lot	5' (minimum yard at both ends of the lot)
Side yard	
Standard lot	5'
Rear yard	
Standard lot	5'
Manufactured home park perimeter setback	
50'	
Manufactured home park building separation	
5' (separation from any other primary building)	
Notes:	
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions	

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 12 C1 Professional Office and Personal Services

3-2-12-1 Purpose

The **Professional Office and Personal Services district** is intended to provide areas for **professional offices, personal services**, community, and similar low intensity **nonresidential uses**, along with certain residential facilities. This **district** can serve as a buffer between residential **uses/zoning districts** and higher intensity commercial **uses**.

3-2-12-2 Permitted Uses

The following **uses** are permitted as a matter of right in a C1 **district**. In C1 **districts**, **outdoor display**, temporary outdoor sales, and **outdoor storage** shall not be permitted.

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Accessory building/structure/use	Collection agency
Accountant	Community garden
Adoption service	Computer training
Adult care center	Consulting service
Advertising	Copy service
Alteration service	Correctional services facility
Answering service	Counseling service
Appraiser	Craft instruction
Architect	Craft studio
Art instruction	Credit service
Art studio	Credit union
Assisted living facility	Customer service facility
Attorney	Dance instruction
Auction service	Data processing facility
Audiologist	Data storage facility
Audio-visual studio	Day care
Bank	Day spa
Bankruptcy service	Dentist
Barber shop	Diagnostic center
Barber/beauty school	Dialysis center
Beauty shop	Doctor
Bed and breakfast	Dormitory
Blood bank	Driving instruction
Blood or plasma donor facility	Educational institution
Boarding house	Embroidery
Bookkeeping service	Employment agency
Broadcast studio	Engineer
Broker	Finance agency
Business training	Financial planning service
Campus housing (off-site)	Fitness center
Child care center	Foundation office
Child care home (class I or II)	Fraternity house
Chiropractor	Funeral home
Clinic	Graphic design service
Clothing alterations	Group residential facility (large) ⁽¹⁾

ALLEN COUNTY ZONING ORDINANCE

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES	
Group residential facility (small)	Pilates instruction
Gymnastics instruction	Planetarium
Health club	Planner
Homeless shelter ⁽¹⁾	Podiatrist
Hospice care center	Public transportation facility
Hospital	Radio station
Insurance agency	Real estate
Interior design service	Recording studio
Internet service	Residential dwelling unit ⁽⁴⁾
Investment service	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Laboratory	Retirement facility
Land surveyor	Savings and loan
Legal service	Sculpture studio
Live-work unit	Security service
Loan office	Sleep disorder facility
Marketing agency	Social service agency
Martial arts training	Sorority house
Massage therapy	Stained glass studio
Medical training	Stock and bond broker
Model unit	Surgery center
Mortgage service	Tailor
Multiple family complex ⁽²⁾	Tanning salon
Multiple family dwelling ⁽²⁾	Tax consulting
Museum	Television station
Music instruction	Title company
Music studio	Townhouse complex ⁽²⁾
Nail salon	Travel agency
Neighborhood facility	Treatment center
Nursing home	Tutoring service
Nutrition service	Universally permitted use ⁽³⁾
Ophthalmologist	Veterinary clinic (indoor)
Optician	Website service
Optometrist	Wedding consultant
Painting studio	Weight loss service
Parking area (off-site) ⁽³⁾	Wind energy conversion system (micro) ⁽¹⁾
Photography studio	Yoga instruction
Photography training	Zoo
Physical therapy facility	
Notes:	
(1) If not adjacent to a residential district	
(2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))	
(3) See universally permitted use definition for additional standards	
(4) Above, to the rear of, or attached to a permitted nonresidential use	

ALLEN COUNTY ZONING ORDINANCE

3-2-12-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Animal service**, indoor;
 - (2) **Automatic teller machine (ATM)** (stand-alone);
 - (3) **Club, private**;
 - (4) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (5) **Community garden** that includes a **structure**;
 - (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (8) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (9) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (10) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (12) **Parking area** (as a **primary use**, a **special use** shall not be required for a universally permitted **off-site parking area**);
 - (13) **Recreation use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);
 - (14) **Religious institution** or non-public school illuminated **athletic field(s)**;
 - (15) **Residential facility for a court-ordered re-entry program**;
 - (16) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (17) Retail: **art gallery**, **bakery** goods, **coffee shop**, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich **shop**, tea room (this **special use** shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2,500 square feet; **drive-through facilities** shall not be permitted as part of this **special use**);
 - (18) **Sign** (temporary **subdivision** direction);
 - (19) **Solar panel (ground mounted)**;
 - (20) Tattoo establishment;
 - (21) **Utility facility, private** (not otherwise permitted or exempt);
 - (22) **Wind energy conversion system, standard** (or more than one (1) micro system);
and
 - (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-12-4 **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-12-5 **Development Standards**

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

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, buildings and structures shall not project into or be located in a required yard.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 13 C2 Limited Commercial

3-2-13-1 Purpose

The Limited Commercial **district** is intended to provide areas for moderate intensity business, community, office, **personal service**, and limited retail **uses**, along with certain residential facilities. Neighborhood-oriented **uses** are encouraged.

3-2-13-2 Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, a single **building** on a single **lot** shall be permitted, with a square footage of up to 25% coverage of the **net lot area**, to a maximum **building** size of 22,000 square feet.

3-2-13-3 Permitted **Uses**

The following **uses** are permitted as a matter of right in a C2 **district**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors. In C2 **districts**, **outdoor display** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Automobile accessory store (indoor)
Accountant	Automobile rental (indoor)
Adoption service	Automobile sales (indoor)
Adult care center	Bait sales
Advertising	Bakery goods
Air conditioning sales	Bank
Alteration service	Bankruptcy service
Animal grooming (indoor)	Banquet hall
Animal hospital (indoor)	Bar
Animal kennel (indoor)	Barber shop
Animal obedience school (indoor)	Barber/beauty school
Answering service	Beauty shop
Antique shop	Bed and breakfast
Apparel and accessory store	Bicycle sales and repair shop
Appliance store	Billiard or pool hall
Appraiser	Bingo establishment
Arcade	Blood bank
Architect	Blood or plasma donor facility
Art gallery	Boarding house
Art instruction	Book store
Art studio	Bookkeeping service
Art supply store	Bowling alley
Assisted living facility	Brewery (micro)
Attorney	Broadcast studio
Auction service	Broker
Audiologist	Business training
Audio-visual studio	Campus housing (off-site)
Automatic teller machine	Candy store

ALLEN COUNTY ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Catalog showroom	Drug store
Caterer	Dry cleaning store
Child care center	Educational institution
Child care home (class I or II)	Embroidery
Chiropractor	Employment agency
Clinic	Engineer
Clock sales	Entertainment facility (indoor)
Clothing alterations	Fabric shop
Clothing rental	Farmers market (including outdoor sales)
Clothing store	Finance agency
Club, private	Financial planning service
Coffee shop	Fireworks sales (indoor)
Coin shop	Fitness center
Collection agency	Flea market (indoor)
Community garden (including outdoor)	Floor covering store
Computer sales and service	Florist
Computer software store	Foundation office
Computer training	Fraternity house
Consignment shop	Fruit/vegetable store (indoor)
Consulting service	Funeral home
Consumer electronics sales	Furniture store
Consumer electronics service	Furrier
Convenience store	Game rental
Copy service	Game sales
Correctional services facility	Gift shop
Cosmetic store	Glass cutting/glazing shop
Costume rental	Graphic design service
Counseling service	Grocery store or supermarket
Craft instruction	Group residential facility (large) ⁽¹⁾
Craft studio	Group residential facility (small)
Craft supply store	Gymnastics instruction
Credit service	Hardware store
Credit union	Haunted house
Customer service facility	Health club
Dance instruction	Heating sales
Data processing facility	Hobby shop
Data storage facility	Home improvement business
Day care	Home repair
Day spa	Homeless shelter ⁽¹⁾
Delicatessen	Hospice care center
Dentist	Hospital
Department store	Hot tub sales
Diagnostic center	Hotel
Dialysis center	Household appliance store
Diaper service facility	Ice cream store
Dinner theater	Insurance agency
Distillery (micro)	Interior decorating store
Doctor	Interior design service
Dormitory	Internet service
Driving instruction	Investment service

ALLEN COUNTY ZONING ORDINANCE

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Jewelry sales	Podiatrist
Laboratory	Pottery sales
Land surveyor	Public transportation facility
Laundromat	Radio station
Leather goods store	Real estate
Legal service	Reception hall
Live-work unit	Recording studio
Loan office	Recreation facility ⁽¹⁾
Luggage store	Rental store
Marketing agency	Residential dwelling unit ⁽⁴⁾
Martial arts training	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Massage therapy	Restaurant, including drive-through
Meat/fish market	Retirement facility
Medical supply sales	Sandwich shop
Medical training	Savings and loan
Model unit	Sculpture studio
Mortgage service	Security service
Motel	Shoe repair shop
Movie rental	Shoe store
Movie sales	Sign sales store
Multiple family complex ⁽²⁾	Skating rink
Multiple family dwelling ⁽²⁾	Sleep disorder facility
Museum	Social service agency
Music instruction	Sorority house
Music store	Sporting goods sales
Music studio	Stained glass studio
Musical instrument store	Stationery store
Nail salon	Stock and bond broker
Neighborhood facility	Surgery center
Nursing home	Swim club
Nutrition service	Swimming pool sales
Ophthalmologist	Tailor
Optician	Tanning salon
Optometrist	Tattoo establishment
Package liquor store	Tavern
Paint store	Tax consulting
Painting studio	Taxi service
Parking area ⁽¹⁾	Tea room
Parking area (off-site) ⁽³⁾	Telephone sales
Parking structure	Telephone service
Pet store	Television station
Pharmacy	Tennis club
Photography studio	Theater
Photography supply store	Tire sales
Photography training	Title company
Physical therapy facility	Tobacco store
Picture framing facility	Townhouse complex ⁽²⁾
Pilates instruction	Toy store
Planetarium	Travel agency
Planner	Treatment center

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C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES	
Tutoring service	Wedding consultant
Universally permitted use ⁽³⁾	Weight loss service
Variety store	Wind energy conversion system (micro) ⁽¹⁾
Veterinary clinic (indoor)	Window sales
Watch sales	Yoga instruction
Website service	Zoo
Notes: (1) If not adjacent to a residential district (2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a)) (3) See universally permitted use definition for additional standards (4) Above, to the rear of, or attached to a permitted nonresidential use	

ALLEN COUNTY ZONING ORDINANCE

3-2-13-4

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service);**
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Gas station;**
 - (5) **Greenhouse** (retail);
 - (6) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (7) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (8) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (9) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Outdoor use** (in conjunction with a permitted **primary use**);
 - (12) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (13) **Plant nursery;**
 - (14) **Recreation area**, including accessory **recreation areas**;
 - (15) **Recreation facility** (if **adjacent** to a **residential district**);
 - (16) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (17) **Residential facility for a court-ordered re-entry program**;
 - (18) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (19) **Shooting range** (indoor);
 - (20) **Sign** (temporary **subdivision** direction);
 - (21) **Solar panel** (ground mounted);
 - (22) **Utility facility, private** (not otherwise permitted or exempt);
 - (23) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - (24) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-13-5 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-13-6

Development Standards

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

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15(Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions.			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 14 NC Neighborhood Center

3-2-14-1 Purpose

The **Neighborhood Center district** is intended to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and limited retail **uses**, along with certain residential facilities.

3-2-14-2 Limitations on **Building Size** and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**, to a maximum of 80,000 square feet; individual tenant spaces shall be limited to 40,000 square feet; new commercial/retail **developments** with individual **buildings** between 22,000 and 40,000 square feet shall require an NC zoning classification.

3-2-14-3 Permitted **Uses**

In NC **districts**, **outdoor display** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an NC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors.

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Accessory building/structure/use	Auction service
Accountant	Audiologist
Adoption service	Audio-visual studio
Adult care center	Automatic teller machine
Advertising	Automobile accessory store (indoor)
Air conditioning sales	Automobile rental (indoor)
Alteration service	Automobile sales (indoor)
Animal grooming (indoor)	Bait sales
Animal hospital (indoor)	Bakery goods
Animal kennel (indoor)	Bank
Animal obedience school (indoor)	Bankruptcy service
Answering service	Banquet hall
Antique shop	Bar
Apparel and accessory store	Barber shop
Appliance store	Barber/beauty school
Appraiser	Beauty shop
Arcade	Bed and breakfast
Architect	Bicycle sales and repair shop
Art gallery	Billiard or pool hall
Art instruction	Bingo establishment
Art studio	Blood bank
Art supply store	Blood or plasma donor facility
Assisted living facility	Boarding house
Attorney	Book store

ALLEN COUNTY ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Bookkeeping service	Diagnostic center
Bowling alley	Dialysis center
Brewery (micro)	Diaper service facility
Broadcast studio	Dinner theater
Broker	Distillery (micro)
Business training	Doctor
Campus housing (off-site)	Dormitory
Candy store	Driving instruction
Catalog showroom	Drug store
Caterer	Dry cleaning store
Child care center	Educational institution
Child care home (class I or II)	Embroidery
Chiropractor	Employment agency
Clinic	Engineer
Clock sales	Entertainment facility (indoor)
Clothing alterations	Fabric shop
Clothing rental	Farmers market (including outdoor sales)
Clothing store	Finance agency
Club, private	Financial planning service
Coffee shop	Fireworks sales (indoor)
Coin shop	Fitness center
Collection agency	Flea market (indoor)
Community garden (including outdoor)	Floor covering store
Computer sales and service	Florist
Computer software store	Foundation office
Computer training	Fraternity house
Consignment shop	Fruit/vegetable store (indoor)
Consulting service	Funeral home
Consumer electronics sales	Furniture store
Consumer electronics service	Furrier
Convenience store	Game rental
Copy service	Game sales
Correctional services facility	Gift shop
Cosmetic store	Glass cutting/glazing shop
Costume rental	Graphic design service
Counseling service	Grocery store or supermarket
Craft instruction	Group residential facility (large) ⁽¹⁾
Craft studio	Group residential facility (small)
Craft supply store	Gymnastics instruction
Credit service	Hardware store
Credit union	Haunted house
Customer service facility	Health club
Dance instruction	Heating sales
Data processing facility	Hobby shop
Data storage facility	Home improvement business
Day care	Home repair
Day spa	Homeless shelter ⁽¹⁾
Delicatessen	Hospice care center
Dentist	Hospital
Department store	Hot tub sales

ALLEN COUNTY ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Hotel	Photography studio
Household appliance store	Photography supply store
Ice cream store	Photography training
Insurance agency	Physical therapy facility
Interior decorating store	Picture framing facility
Interior design service	Pilates instruction
Internet service	Planetarium
Investment service	Planner
Jewelry sales	Podiatrist
Laboratory	Pottery sales
Land surveyor	Public transportation facility
Laundromat	Radio station
Leather goods store	Real estate
Legal service	Reception hall
Live-work unit	Recording studio
Loan office	Recreation facility ⁽¹⁾
Luggage store	Rental store
Marketing agency	Residential dwelling unit ⁽⁴⁾
Martial arts training	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Massage therapy	Restaurant, including drive-through
Meat/fish market	Retirement facility
Medical supply sales	Sandwich shop
Medical training	Savings and loan
Model unit	Sculpture studio
Mortgage service	Security service
Motel	Shoe repair shop
Movie rental	Shoe store
Movie sales	Sign sales store
Multiple family complex ⁽²⁾	Skating rink
Multiple family dwelling ⁽²⁾	Sleep disorder facility
Museum	Social service agency
Music instruction	Sorority house
Music store	Sporting goods sales
Music studio	Stained glass studio
Musical instrument store	Stationery store
Nail salon	Stock and bond broker
Neighborhood facility	Surgery center
Nursing home	Swim club
Nutrition service	Swimming pool sales
Ophthalmologist	Tailor
Optician	Tanning salon
Optometrist	Tattoo establishment
Package liquor store	Tavern
Paint store	Tax consulting
Painting studio	Taxi service
Parking area ⁽¹⁾	Tea room
Parking area (off-site) ⁽³⁾	Telephone sales
Parking structure	Telephone service
Pet store	Television station
Pharmacy	Tennis club

ALLEN COUNTY ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES	
Theater	Variety store
Tire sales	Veterinary clinic (indoor)
Title company	Watch sales
Tobacco store	Website service
Townhouse complex ⁽²⁾	Wedding consultant
Toy store	Weight loss service
Travel agency	Wind energy conversion system (micro) ⁽¹⁾
Treatment center	Window sales
Tutoring service	Yoga instruction
Universally permitted use ⁽³⁾	Zoo
Notes: (1) If not adjacent to a residential district (2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a)) (3) See universally permitted use definition for additional standards (4) Above, to the rear of, or attached to a permitted nonresidential use	

ALLEN COUNTY ZONING ORDINANCE

3-2-14-4

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service)**;
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Gas station**;
 - (5) **Greenhouse** (retail);
 - (6) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (7) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4-(c)(2) for additional standards);
 - (8) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (9) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Outdoor use** (in conjunction with a permitted **primary use**);
 - (12) **Parking area** (as a primary use, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (13) **Plant nursery**;
 - (14) **Recreation area**, including accessory **recreation areas**;
 - (15) **Recreation facility** (if **adjacent** to a **residential district**);
 - (16) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (17) **Residential facility for a court-ordered re-entry program**;
 - (18) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (19) **Sign** (temporary **subdivision** direction);
 - (20) **Solar panel (ground mounted)**;
 - (21) **Utility facility, private** (not otherwise permitted or exempt);
 - (22) **Wind energy conversion system, standard** (or more than one (1) micro system);
and
 - (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-14-5 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-14-6 Development Standards

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

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 15 SC Shopping Center

3-2-15-1 Purpose

The **Shopping Center districts** are intended to create areas for the provision of adequate commercial facilities at suitable locations and of appropriate design, scale and intensity which will create a functional and compatible relationship with the immediate surroundings and community. It is intended that **SC districts** be composed of multiple, different **uses** that serve the retail needs of the community. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and limited retail **uses**, along with certain residential facilities.

3-2-15-2 Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**; new commercial/retail **developments** with total **building** square footage of over 80,000 square feet or with individual tenant spaces over 40,000 square feet shall require an SC zoning classification

3-2-15-3 Permitted **Uses**

In **SC districts**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space. **Outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an **SC district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors.

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Accessory building/structure/use	Art studio
Accountant	Art supply store
Adoption service	Assisted living facility
Adult care center	Attorney
Advertising	Auction service
Air conditioning sales	Audiologist
Alteration service	Audio-visual studio
Animal grooming (indoor)	Automatic teller machine
Animal hospital (indoor)	Automobile accessory store (indoor)
Animal kennel (indoor)	Automobile rental (indoor)
Animal obedience school (indoor)	Automobile sales (indoor)
Answering service	Bait sales
Antique shop	Bakery goods
Apparel and accessory store	Bank
Appliance store	Bankruptcy service
Appraiser	Banquet hall
Arcade	Bar
Architect	Barber shop
Art gallery	Barber/beauty school
Art instruction	Beauty shop

ALLEN COUNTY ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Bed and breakfast	Dance instruction
Bicycle sales and repair shop	Data processing facility
Billiard or pool hall	Data storage facility
Bingo establishment	Day care
Blood bank	Day spa
Blood or plasma donor facility	Delicatessen
Boarding house	Dentist
Book store	Department store
Bookkeeping service	Diagnostic center
Bowling alley	Dialysis center
Brewery (micro)	Diaper service facility
Broadcast studio	Dinner theater
Broker	Distillery (micro)
Business training	Doctor
Campus housing (off-site)	Dormitory
Candy store	Driving instruction
Catalog showroom	Drug store
Caterer	Dry cleaning store
Child care center	Educational institution
Child care home (class I or II)	Embroidery
Chiropractor	Employment agency
Clinic	Engineer
Clock sales	Entertainment facility (including outdoor)
Clothing alterations	Fabric shop
Clothing rental	Farmers market (including outdoor sales)
Clothing store	Finance agency
Club, private	Financial planning service
Coffee shop	Fireworks sales (indoor)
Coin shop	Fitness center
Collection agency	Flea market (indoor)
Community garden (including outdoor)	Floor covering store
Computer sales and service	Florist
Computer software store	Foundation office
Computer training	Fraternity house
Consignment shop	Fruit/vegetable store (indoor)
Consulting service	Funeral home
Consumer electronics sales	Furniture store
Consumer electronics service	Furrier
Convenience store	Game rental
Copy service	Game sales
Correctional services facility	Gas station ⁽¹⁾
Cosmetic store	Gift shop
Costume rental	Glass cutting/glazing shop
Counseling service	Graphic design service
Craft instruction	Grocery store or supermarket
Craft studio	Group residential facility (large) ⁽²⁾
Craft supply store	Group residential facility (small)
Credit service	Gymnastics instruction
Credit union	Hardware store
Customer service facility	Haunted house

ALLEN COUNTY ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Health club	Optician
Heating sales	Optometrist
Hobby shop	Package liquor store
Home improvement business	Paint store
Home repair	Painting studio
Homeless shelter ⁽²⁾	Parking area ⁽²⁾
Hospice care center	Parking area (off-site) ⁽⁴⁾
Hospital	Parking structure
Hot tub sales	Pet store
Hotel	Pharmacy
Household appliance store	Photography studio
Ice cream store	Photography supply store
Insurance agency	Photography training
Interior decorating store	Physical therapy facility
Interior design service	Picture framing facility
Internet service	Pilates instruction
Investment service	Planetarium
Jewelry sales	Planner
Laboratory	Podiatrist
Land surveyor	Pottery sales
Landscape contracting service	Propane sales
Laundromat	Public transportation facility
Leather goods store	Radio station
Legal service	Real estate
Live-work unit	Reception hall
Loan office	Recording studio
Luggage store	Recreation facility ⁽²⁾
Marketing agency	Rental store
Martial arts training	Residential dwelling unit ⁽⁵⁾
Massage therapy	Residential facility for homeless individuals (up to 8) ⁽²⁾
Meat/fish market	Restaurant, including drive-through
Medical supply sales	Retirement facility
Medical training	Sandwich shop
Model unit	Savings and loan
Mortgage service	Sculpture studio
Motel	Seasonal sales
Movie rental	Security service
Movie sales	Shoe repair shop
Multiple family complex ⁽³⁾	Shoe store
Multiple family dwelling ⁽³⁾	Sign sales store
Museum	Skating rink
Music instruction	Sleep disorder facility
Music store	Social service agency
Music studio	Sorority house
Musical instrument store	Sporting goods sales
Nail salon	Stained glass studio
Neighborhood facility	Stationery store
Nursing home	Stock and bond broker
Nutrition service	Surgery center
Ophthalmologist	Swim club

ALLEN COUNTY ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES	
Swimming pool sales	Toy store
Tailor	Travel agency
Tanning salon	Treatment center
Tattoo establishment	Tutoring service
Tavern	Universally permitted use ⁽⁴⁾
Tax consulting	Variety store
Taxi service	Veterinary clinic
Tea room	Warehouse/storage facility
Telephone sales	Watch sales
Telephone service	Website service
Television station	Wedding consultant
Tennis club	Weight loss service
Theater	Wind energy conversion system (micro) ⁽²⁾
Tire sales	Window sales
Title company	Yoga instruction
Tobacco store	Zoo
Townhouse complex ⁽³⁾	
<p>Notes:</p> <ul style="list-style-type: none"> (1) No gas station canopy shall be located between the primary building and a residential district (2) If not adjacent to a residential district (3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a)) (4) See universally permitted use definition for additional standards (5) Above, to the rear of, or attached to a permitted nonresidential use 	

ALLEN COUNTY ZONING ORDINANCE

3-2-15-4

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service)**;
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Greenhouse** (retail);
 - (5) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (6) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (7) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (8) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (9) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (10) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (11) **Plant nursery**;
 - (12) **Recreation area**, including accessory **recreation areas**;
 - (13) **Recreation facility** (if **adjacent** to a **residential district**);
 - (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (15) **Residential facility for a court-ordered re-entry program**;
 - (16) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (17) **Shooting range** (indoor);
 - (18) **Sign** (temporary **subdivision** direction);
 - (19) **Solar panel (ground mounted)**;
 - (20) **Utility facility, private** (not otherwise permitted or exempt);
 - (21) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - (22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-15-5 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-15-6 **Development Standards**

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

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions.			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 16 C3 General Commercial

3-2-16-1 Purpose

The General Commercial **district** is intended to provide areas for a variety of commercial **uses** including certain **high intensity uses** not permitted in C1 and C2 **districts**. **Uses** typically found within this **district** include moderate intensity general business, community, office, **personal service**, and retail **uses**, along with certain residential facilities. Commercial **uses** in this **district** often serve the general public and therefore are usually located along **arterial** or **collector** roadways.

3-2-16-2 Permitted Uses

The following **uses** are permitted as a matter of right in a C3 **district**; unless otherwise noted, **primary uses** shall be permitted to have outdoor components. In C3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Attorney
Accountant	Auction hall
Adoption service	Auction service
Adult care center	Audiologist
Advertising	Audio-visual studio
Agricultural equipment sales	Automatic teller machine
Agricultural equipment service	Automobile accessory store
Agricultural supply sales	Automobile auction
Air conditioning sales	Automobile body shop
Air conditioning service	Automobile detailing or trim shop
Alteration service	Automobile maintenance (quick service)
Amusement park ⁽¹⁾	Automobile rental
Animal grooming	Automobile repair
Animal hospital	Automobile restoration
Animal kennel	Automobile rustproofing
Animal obedience school	Automobile sales
Answering service	Automobile washing facility
Antique shop	Bait sales
Apparel and accessory store	Bakery goods
Appliance store	Bank
Appraiser	Bankruptcy service
Arcade	Banquet hall
Architect	Bar
Arena	Barber shop
Art gallery	Barber/beauty school
Art instruction	Batting cages
Art studio	Beauty shop
Art supply store	Bed and breakfast
Assisted living facility	Betting or other gambling facility
Athletic field	Bicycle sales and repair shop

ALLEN COUNTY ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Billiard or pool hall	Customer service facility
Bingo establishment	Dance instruction
Blood bank	Data processing facility
Blood or plasma donor facility	Data storage facility
Boarding house	Day care
Boat sales	Day spa
Book store	Delicatessen
Bookkeeping service	Dentist
Bowling alley	Department store
Brewery (micro)	Diagnostic center
Broadcast studio	Dialysis center
Broker	Diaper service facility
Business training	Dinner theater
Campus housing (off-site)	Distillery (micro)
Candy store	Doctor
Catalog showroom	Dormitory
Caterer	Driving instruction
Check cashing	Drug store
Child care center	Dry cleaning store
Child care home (class I or II)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engine repair
Clothing alterations	Engineer
Clothing rental	Entertainment facility
Clothing store	Equipment rental (limited)
Club, private	Equipment service
Coffee shop	Exhibit hall
Coin shop	Exterminator
Collection agency	Fabric shop
Community garden (including outdoor)	Farmers market
Computer sales and service	Feed store
Computer software store	Finance agency
Computer training	Financial planning service
Consignment shop	Fireworks sales
Consulting service	Fitness center
Consumer electronics sales	Flea market
Consumer electronics service	Floor covering store
Convenience store	Florist
Copy service	Foundation office
Correctional services facility	Fraternity house
Cosmetic store	Fruit/vegetable store
Costume rental	Funeral home
Counseling service	Furniture refinishing/repair
Country club	Furniture store
Craft instruction	Furrier
Craft studio	Game rental
Craft supply store	Game sales
Credit service	Garden equipment supply
Credit union	Gas station ⁽²⁾

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C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Gift shop	Model unit
Glass cutting/glazing shop	Mortgage service
Go-kart facility ⁽¹⁾	Motel
Golf course, miniature	Motor vehicle auction
Golf driving range	Motor vehicle rental
Graphic design service	Motor vehicle repair
Greenhouse (retail)	Motor vehicle sales
Grocery store or supermarket	Movie rental
Group residential facility (large) ⁽¹⁾	Movie sales
Group residential facility (small)	Multiple family complex ⁽³⁾
Gun sales	Multiple family dwelling ⁽³⁾
Gymnastics instruction	Museum
Hardware store	Music instruction
Haunted house	Music store
Health club	Music studio
Heating sales	Musical instrument store
Heating service	Nail salon
Hobby shop	Neighborhood facility
Home improvement business	Nursing home
Home improvement store	Nutrition service
Home repair	Ophthalmologist
Homeless shelter ⁽¹⁾	Optician
Hospice care center	Optometrist
Hospital	Package liquor store
Hot tub sales	Paint store
Hotel	Painting studio
Household appliance store	Parking area ⁽¹⁾
Ice cream store	Parking area (off-site) ⁽⁴⁾
Insurance agency	Parking structure
Interior decorating store	Pawn shop
Interior design service	Pest control
Internet service	Pet store
Investment service	Pharmacy
Jewelry sales	Photography studio
Laboratory	Photography supply store
Land surveyor	Photography training
Landscape contracting service	Physical therapy facility
Laundromat	Picture framing facility
Leather goods store	Pilates instruction
Legal service	Planetarium
Live-work unit	Planner
Loan office	Plant nursery
Luggage store	Plumbing sales
Manufactured home sales	Plumbing service
Marketing agency	Podiatrist
Martial arts training	Pottery sales
Massage therapy	Propane sales
Meat/fish market	Public transportation facility
Medical supply sales	Radio station
Medical training	Real estate

ALLEN COUNTY ZONING ORDINANCE

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES	
Reception hall	Taxi service
Recording studio	Taxidermist
Recreation area ⁽¹⁾	Tea room
Recreation facility	Telephone sales
Recreation uses	Telephone service
Rental store	Television station
Residential dwelling unit ⁽⁵⁾	Tennis club
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Theater
Restaurant, including drive-through	Tire sales
Retirement facility	Title company
Riding stable	Tobacco store
Sandwich shop	Towing service (with no storage yard)
Savings and loan	Townhouse complex ⁽³⁾
Sculpture studio	Toy store
Seasonal sales	Trade show facility
Security service	Travel agency
Shoe repair shop	Treatment center
Shoe store	Truck fueling station
Shooting range (indoor)	Truck stop
Sign sales store	Tutoring service
Skating rink	Universally permitted use ⁽⁴⁾
Sleep disorder facility	Variety store
Social service agency	Veterinary clinic
Sorority house	Warehouse/storage facility
Sporting goods sales	Watch sales
Stadium/racetrack ⁽¹⁾	Water park ⁽¹⁾
Stained glass studio	Watercraft sales
Stationery store	Website service
Stock and bond broker	Wedding consultant
Storage shed sales	Weight loss service
Surgery center	Wholesale facility
Swim club	Wind energy conversion system (micro) ⁽¹⁾
Swimming pool sales	Window repair
Tailor	Window sales
Tanning salon	Yoga instruction
Tattoo establishment	Zipline
Tavern	Zoo
Tax consulting	
Notes:	
(1) If not adjacent to a residential district	
(2) No gas station canopy shall be located between the primary building and a residential district	
(3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))	
(4) See universally permitted use definition for additional standards	
(5) Above, to the rear of, or attached to a permitted nonresidential use	

ALLEN COUNTY ZONING ORDINANCE

3-2-16-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (4) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (5) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (6) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**) a special use shall not be required for a universally permitted off-site parking area;
 - (9) **Recreation use**, outdoor (amusement park, go-cart facility, **stadium/race track**, and water park, only; if **adjacent** to a **residential district**);
 - (10) **Residential facility for a court-ordered re-entry program**;
 - (11) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (12) **Sign** (temporary **subdivision** direction);
 - (13) **Solar panel (ground mounted)**;
 - (14) Tree service;
 - (15) **Utility facility, private** (not otherwise permitted or exempt);
 - (16) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-16-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-16-5 **Development Standards**

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

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 17 C4 Intensive Commercial

3-2-17-1 Purpose

The Intensive Commercial **district** is intended to provide areas for general commercial **uses**, along with higher intensity **uses** not permitted in the C1, C2 or C3 **districts**. Commercial **uses** in this **district** often serve the general public and therefore are usually located along principal **arterial** and/or **collector** roadways. It is intended that new C4 **zoning districts** not be created **adjacent** to existing **residential zoning districts**.

3-2-17-2 Permitted Uses

In C4 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in a C4 **district**; all **uses** shall be permitted to have outdoor components.

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Athletic field
Accountant	Attorney
Adoption service	Auction hall
Adult care center	Auction service
Advertising	Audiologist
Agricultural equipment sales	Audio-visual studio
Agricultural equipment service	Automatic teller machine
Agricultural supply sales	Automobile accessory store
Air conditioning sales	Automobile auction
Air conditioning service	Automobile body shop
Alteration service	Automobile detailing or trim shop
Amusement park ⁽¹⁾	Automobile maintenance (quick service)
Animal grooming	Automobile rental
Animal hospital	Automobile repair
Animal kennel	Automobile restoration
Animal obedience school	Automobile rustproofing
Answering service	Automobile sales
Antique shop	Automobile washing facility
Apparel and accessory store	Bait sales
Appliance store	Bakery goods
Appraiser	Bank
Arcade	Bankruptcy service
Architect	Banquet hall
Arena	Bar
Art gallery	Barber shop
Art instruction	Barber/beauty school
Art studio	Batting cages
Art supply store	Beauty shop
Assisted living facility	Bed and breakfast

ALLEN COUNTY ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Betting or other gambling facility	Credit service
Bicycle sales and repair shop	Credit union
Billiard or pool hall	Customer service facility
Bingo establishment	Dance instruction
Blood bank	Data processing facility
Blood or plasma donor facility	Data storage facility
Boarding house	Day care
Boat sales	Day spa
Book store	Delicatessen
Bookkeeping service	Dentist
Bowling alley	Department store
Brewery (micro)	Diagnostic center
Broadcast studio	Dialysis center
Broker	Diaper service facility
Business training	Dinner theater
Campus housing (off-site)	Distillery (micro)
Candy store	Doctor
Catalog showroom	Dormitory
Caterer	Driving instruction
Check cashing	Drug store
Child care center	Dry cleaning store
Child care home (class I or II)	Educational institution
Chiropractor	Embroidery
Clinic	Employment agency
Clock sales	Engine repair
Clothing alterations	Engineer
Clothing rental	Entertainment facility
Clothing store	Equipment rental (limited)
Club, private	Equipment service
Coffee shop	Exhibit hall
Coin shop	Exterminator
Collection agency	Fabric shop
Community garden (including outdoor)	Farmers market
Computer sales and service	Feed store
Computer software store	Finance agency
Computer training	Financial planning service
Consignment shop	Fireworks sales
Consulting service	Fitness center
Consumer electronics sales	Flea market
Consumer electronics service	Floor covering store
Convenience store	Florist
Copy service	Foundation office
Correctional services facility	Fraternity house
Cosmetic store	Fruit/vegetable store
Costume rental	Funeral home
Counseling service	Furniture refinishing/repair
Country club	Furniture store
Craft instruction	Furrier
Craft studio	Game rental
Craft supply store	Game sales

ALLEN COUNTY ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Garden equipment supply	Medical supply sales
Gas station ⁽²⁾	Medical training
Gift shop	Model unit
Glass cutting/glazing shop	Mortgage service
Go-kart facility ⁽¹⁾	Motel
Golf course, miniature	Motor vehicle auction
Golf driving range	Motor vehicle rental
Graphic design service	Motor vehicle repair
Greenhouse (retail)	Motor vehicle sales
Grocery store or supermarket	Movie rental
Group residential facility (large) ⁽¹⁾	Movie sales
Group residential facility (small)	Multiple family complex ⁽³⁾
Gun sales	Multiple family dwelling ⁽³⁾
Gymnastics instruction	Museum
Hardware store	Music instruction
Haunted house	Music store
Health club	Music studio
Heating sales	Musical instrument store
Heating service	Nail salon
Hobby shop	Neighborhood facility
Home improvement business	Nursing home
Home improvement store	Nutrition service
Home repair	Ophthalmologist
Homeless shelter ⁽¹⁾	Optician
Hospice care center	Optometrist
Hospital	Package liquor store
Hot tub sales	Paint store
Hotel	Painting studio
Household appliance store	Parking area ⁽¹⁾
Ice cream store	Parking area (off-site) ⁽⁴⁾
Insurance agency	Parking structure
Interior decorating store	Pawn shop
Interior design service	Pest control
Internet service	Pet store
Investment service	Pharmacy
Jewelry sales	Photography studio
Laboratory	Photography supply store
Land surveyor	Photography training
Landscape contracting service	Physical therapy facility
Laundromat	Picture framing facility
Leather goods store	Pilates instruction
Legal service	Planetarium
Live-work unit	Planner
Loan office	Plant nursery
Luggage store	Plumbing sales
Manufactured home sales	Plumbing service
Marketing agency	Podiatrist
Martial arts training	Pottery sales
Massage therapy	Propane sales
Meat/fish market	Public transportation facility

ALLEN COUNTY ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES	
Radio station	Tax consulting
Real estate	Taxi service
Reception hall	Taxidermist
Recording studio	Tea room
Recreation area ⁽¹⁾	Telephone sales
Recreation facility	Telephone service
Recreation uses	Television station
Rental store	Tennis club
Residential dwelling unit ⁽⁵⁾	Theater
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Tire sales
Restaurant, including drive-through	Title company
Retirement facility	Tobacco store
Riding stable	Towing service (with no storage yard)
Sandwich shop	Townhouse complex ⁽³⁾
Savings and loan	Toy store
Sculpture studio	Trade show facility
Seasonal sales	Travel agency
Security service	Treatment center
Shoe repair shop	Truck fueling station
Shoe store	Truck stop
Shooting range (indoor)	Tutoring service
Sign sales store	Universally permitted use ⁽⁴⁾
Skating rink	Variety store
Sleep disorder facility	Veterinary clinic
Social service agency	Warehouse/storage facility
Sorority house	Watch sales
Sporting goods sales	Water park ⁽¹⁾
Stadium/racetrack ⁽¹⁾	Watercraft sales
Stained glass studio	Website service
Stationery store	Wedding consultant
Stock and bond broker	Weight loss service
Storage shed sales	Wholesale facility
Surgery center	Wind energy conversion system (micro) ⁽¹⁾
Swim club	Window repair
Swimming pool sales	Window sales
Tailor	Yoga instruction
Tanning salon	Zipline
Tattoo establishment	Zoo
Tavern	
Notes:	
(1) If not adjacent to a residential district	
(2) No gas station canopy shall be located between the primary building and a residential district	
(3) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))	
(4) See universally permitted use definition for additional standards	
(5) Above, to the rear of, or attached to a permitted nonresidential use	

ALLEN COUNTY ZONING ORDINANCE

3-2-17-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (4) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (5) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (6) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**; a special use shall not be required for a universally permitted off-site parking area);
 - (9) **Recreation use**, outdoor (amusement park, go-cart facility, **stadium/race track**, and water park, only; if **adjacent** to a **residential district**);
 - (10) **Residential facility for a court-ordered re-entry program**;
 - (11) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (12) **Shooting range** (outdoor);
 - (13) **Sign** (temporary **subdivision** direction);
 - (14) **Solar panel (ground mounted)**;
 - (15) Tree service;
 - (16) **Utility facility, private** (not otherwise permitted or exempt);
 - (17) **Wind energy conversion system, standard** (or more than one (1) micro system);
and
 - (18) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-17-4 **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note:		
(1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-17-5

Development Standards

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

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		35'	
Through lot		35' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 in Development Standards Waivers and Exceptions for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 Residential Impact Mitigation and A.C.C. 3-4-11 Airport Overlay Districts for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

Chapter 18 **Reserved**
Chapter 19 **Reserved**
Chapter 20 **Reserved**

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 21 BTI Business, Technology, and Industrial Park

3-2-21-1 Purpose

The **Business, Technology, and Industrial Park districts** are intended to create areas for the **development** of limited intensity assembly, fabrication, office, medical, technology, and research facilities, including **corporate campus** and similar **development**, with quality, integrated architectural and site design which is compatible with **adjacent development** and creates minimal impacts outside of the **buildings**.

3-2-21-2 Permitted Uses

The following **uses** shall be permitted as a matter of right in a **BTI district**. **Outdoor display or storage** shall not be permitted.

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK SPECIFIC PERMITTED USES	
Accessory building/structure/use	Limited assembly and fabrication of: (continued)
Apparel fabrication and processing	Optical instruments
Assembly of finished products	Scientific and precision instruments
Bioscience development, research, or testing	Service industry machines
Business incubation office or laboratory	Specialty equipment
Computer software	Machine design facility
Corporate campus	Machine tool shop
Cosmetic product compounding	Medical device technology
Information technology	Pharmaceutical product compounding
Internet applications or products	Product research and development
Laboratory (testing)	Professional office and research facility
Limited assembly and fabrication of:	Universally permitted use ⁽¹⁾
Bio-medical/orthopedic products	Vehicle technology (advanced)
Communication and computation equipment	Warehouse/storage facility
Computers and electronics	Wholesale facility
Computer hardware products	Wind energy conversion system (micro) ⁽²⁾
Industrial controls	Wind energy conversion system (standard) ⁽³⁾
Medical devices	Woodworking
Orthopedic devices	
Notes:	
(1) See universally permitted use definition for additional standards	
(2) If not adjacent to a residential district	
(3) If on land of over two (2) acres not adjacent to a residential district	

ALLEN COUNTY ZONING ORDINANCE

3-2-21-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
 - (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(5) for additional standards);
 - (2) Illuminated **recreation field** (if **adjacent** to a **residential district**);
 - (3) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (4) **Sign** (temporary **subdivision** direction);
 - (5) **Solar panel (ground-mounted)**;
 - (6) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - (7) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-21-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-21-5

Development Standards

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

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 22 I1 Limited Industrial

3-2-22-1 Purpose

The Limited Industrial **district** is intended to provide areas in which goods are produced for direct consumption by consumers. Limited industrial **uses** typically involve final assembly of goods produced from prepared materials, finished products or parts; distribution of finished goods; low intensity industrial or **manufacturing** operations; or wholesale and/or **storage** activities. The I1 **district** may serve as a buffer between heavier industrial **districts** and business or **residential districts**.

3-2-22-2 Permitted Uses

A limited industrial **use** creates minimal impacts outside of the **buildings** and includes limited **outdoor storage**. The following **uses** are permitted as a matter of right in an I1 **district**. **Outdoor display** area shall be limited to a maximum of 10% of the **primary structure** or tenant space. **Outdoor storage** shall only be permitted between the rear of the **building** and the **rear lot line**, up to the square footage of the **primary structure**, and shall be screened from **adjacent** residential zoning and **public street rights-of-way**.

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Boat dry dock facility
Accountant	Bookkeeping service
Adoption service	Brewery (micro)
Adult care center	Broadcast studio
Advertising	Broker
Air freight service	Business incubation office or laboratory
Alteration service	Business training
Answering service	Campus housing (off-site)
Apparel fabrication and processing	Child care center
Appraiser	Chiropractor
Aquaculture	Clinic
Aquaponics	Clothing alterations
Architect	Collection agency
Art instruction	Community garden
Art studio	Computer software
Assisted living facility	Computer training
Attorney	Consulting service
Auction service	Copy service
Audiologist	Correctional services facility
Audio-visual studio	Cosmetic product compounding
Bakery	Counseling service
Bank	Craft instruction
Bankruptcy service	Craft studio
Barber shop	Credit service
Barber/beauty school	Credit union
Beauty shop	Crematory
Bioscience development , research, or testing	Customer service facility
Blood bank	Dance instruction
Blood or plasma donor facility	Data processing facility
Boarding house	Data storage facility

ALLEN COUNTY ZONING ORDINANCE

II LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Day care	Equipment supply facility for: (continued)
Day spa	Telecommunication
Dentist	Trade show/exhibit
Diagnostic center	Truck
Dialysis center	Water softening/purification
Distillery (micro)	Welding
Distribution facility for:	Finance agency
Batteries	Financial planning service
Beer	Fitness center
Building materials	Foundation office
Electrical parts	Fraternity house
Food	Freight service
Janitorial supplies	Funeral home
Lubrication	Furniture production
Machines	Graphic design service
Medical supplies	Group residential facility (large) ⁽¹⁾
Oil	Group residential facility (small)
Paint	Gymnastics instruction
Petroleum products	Health club
Pipe	Homeless shelter
Plumbing fixtures	Hospice care center
Soft drinks	Hospital
Steel	Hydroponics
Tires (new)	Information technology
Truck bodies	Insurance agency
Vending machines	Interior design service
Windows	Internet applications/products
Doctor	Internet service
Dormitory	Investment service
Driving instruction	Laboratory
Dry cleaning facility (central)	Laboratory (testing)
Educational institution	Land surveyor
Embroidery	Lathe/screw machine products
Employment agency	Laundry facility (central)
Engineer	Legal service
Equipment rental (limited)	Limited assembly and fabrication of:
Equipment supply facility for:	Bio-medical/orthopedic products
Air purification	Communication and computation equipment
Electrical	Computers and electronics
Electric wire and cable	Computer hardware products
Fire protection	Industrial controls
Food service	Medical devices
Heating, ventilation, or air conditioning	Orthopedic devices
Industrial	Optical instruments
Maintenance	Scientific and precision instruments
Mechanical	Service industry machines
Medical	Specialty equipment
Power transmission	Live-work unit
Radio/communication	Loan office
Restaurant	Machine design facility

ALLEN COUNTY ZONING ORDINANCE

II LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Machine tool shop	Refurbishing facility (household items)
Marketing agency	Research and development facility
Martial arts training	Residential dwelling unit ⁽⁴⁾
Massage therapy	Residential facility for homeless individuals (up to 8) ⁽¹⁾
Medical device technology	Retirement facility
Medical training	Savings and loan
Model unit	Sculpture studio
Mortgage service	Security service
Multiple family complex ⁽²⁾	Sleep disorder facility
Multiple family dwelling ⁽²⁾	Social service agency
Museum	Sorority house
Music instruction	Stained glass studio
Music studio	Stock and bond broker
Nail salon	Surgery center
Nursing home	Tailor
Nutrition service	Tanning salon
Ophthalmologist	Tax consulting
Optician	Television station
Optometrist	Title company
Painting studio	Tool and die facility
Parking area ⁽¹⁾	Townhouse complex ⁽²⁾
Parking area (off-site) ⁽³⁾	Travel agency
Pharmaceutical product compounding	Treatment center
Photography studio	Tutoring service
Photography training	Universally permitted use ⁽³⁾
Physical therapy facility	Utility facility (private)
Pilates instruction	Vehicle technology (advanced)
Planetarium	Warehouse/storage facility
Planner	Website service
Podiatrist	Wedding consultant
Printing facility	Weight loss service
Printing press	Welding service
Product research and development	Wholesale facility
Public transportation facility	Wind energy conversion system (micro) ⁽¹⁾
Radio station	Wind energy conversion system (standard) ⁽⁵⁾
Real estate	Woodworking
Recording studio	Yoga instruction
Recreation area	Zoo
Recreation facility	
Notes:	
(1) If not adjacent to a residential district	
(2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))	
(3) See universally permitted use definition for additional standards	
(4) Above, to the rear of, or attached to a permitted nonresidential use	
(5) If on land of over two (2) acres not adjacent to a residential district	

ALLEN COUNTY ZONING ORDINANCE

3-2-22-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) Contractor (construction, excavation, landscape, tree service);
 - (3) Dairy/creamery;
 - (4) **Equipment rental (general)**;
 - (5) **Gas station**;
 - (6) **Group residential facility** (large) (if **adjacent** to a residential **district**);
 - (7) Growing/processing/raising of natural products;
 - (8) Illuminated **recreation field** (if **adjacent** to a residential **district**);
 - (9) Metal and plastic extrusion and molding facility;
 - (10) Metal cutting facility;
 - (11) Metal fabricating facility;
 - (12) Metal processing facility (anodizing, buffing, galvanizing, plating, and polishing);
 - (13) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (14) **Parking area** (as a primary use, if **adjacent** to a residential **district**; a special use shall not be required for a universally permitted **off-site parking area**);
 - (15) Processing facility (small scale);
 - (16) **Residential facility for a court-ordered re-entry program**;
 - (17) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a residential **district**);
 - (18) Sheet metal fabrication and/or processing;
 - (19) **Sign** (temporary **subdivision** direction);
 - (20) **Solar panel (ground-mounted)**;
 - (21) **Wind energy conversion system, micro** (on land **adjacent** to a residential **district**, or to erect an additional micro system or systems); and
 - (22) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a residential **district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-22-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-22-5

Development Standards

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

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 23 I2 General Industrial

3-2-23-1 Purpose

The General Industrial **district** is intended to provide areas for assembly, distribution, fabricating, **manufacturing**, and processing industries where the operation is enclosed within a **building** and conducted in such a manner that no adverse impacts are created or emitted outside of the **building(s)**.

3-2-23-2 Permitted Uses

The following **uses** are permitted as a matter of right in an I2 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the front **façade** of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**.

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Assembly facility for/manufacturing of:
Accountant	Adhesive/glue
Adoption service	Agricultural implements
Adult care center	Aircraft
Advertising	Animal feed
Air conditioning sales	Appliances
Air freight service	Automobiles
Alteration service	Bicycles
Animal grooming (indoor)	Boats
Animal hospital (indoor)	Carbon steel pipe and tubing
Animal kennel (indoor)	Computers
Animal obedience school (indoor)	Concrete and concrete products
Animal slaughter house (indoor)	Electronics
Answering service	Insulation
Antique shop	Manufactured homes
Apparel and accessory store	Modular buildings
Apparel fabrication and processing	Motorcycles
Appliance store	Motors
Appraiser	Paper/paper products
Aquaculture	Recreational vehicles
Aquaponics	Spas
Arcade	Stainless steel
Architect	Steel
Art gallery	Tile
Art instruction	Tires
Art studio	Valves
Art supply store	Assembly of finished products

ALLEN COUNTY ZONING ORDINANCE

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Assisted living facility	Clothing rental
Attorney	Clothing store
Auction service	Club, private
Audiologist	Coffee shop
Audio-visual studio	Coin shop
Automobile accessory store	Collection agency
Automobile rental (indoor)	Community garden
Automobile sales (indoor)	Compounding of:
Bakery	Chemicals
Bakery goods	Cleaning supplies
Bank	Cosmetics
Bankruptcy service	Pharmaceuticals
Banquet hall	Computer sales and service
Bar	Computer software
Barber shop	Computer software store
Barber/beauty school	Computer training
Beauty shop	Consignment shop
Bicycle sales and repair shop	Consulting service
Billiard or pool hall	Consumer electronics sales
Bingo establishment	Consumer electronics service
Bio-medical/orthopedic equipment	Contractor (construction, excavation, landscape)
Bioscience development, research, or testing	Convenience store
Blood bank	Copy service
Blood or plasma donor facility	Correctional services facility
Boarding house	Cosmetic store
Boat dry dock facility	Costume rental
Book store	Counseling service
Bookkeeping service	Craft instruction
Bottling facility	Craft studio
Bowling alley	Craft supply store
Brewery	Credit service
Brewery (micro)	Credit union
Broadcast studio	Crematory
Broker	Customer service facility
Business incubation office or laboratory	Dairy/creamery
Business training	Dance instruction
Campus housing (off-site)	Data processing facility
Candy store	Data storage facility
Canvas product fabrication	Day care
Catalog showroom	Day spa
Caterer	Delicatessen
Ceramic product fabrication	Dentist
Child care center	Department store
Chiropractor	Diagnostic center
Clinic	Dialysis center
Clock sales	Diaper service facility
Clothing alterations	Dinner theater

ALLEN COUNTY ZONING ORDINANCE

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Distillery	Equipment supply facility for: (continued)
Distillery (micro)	Restaurant
Distribution facility for:	Telecommunication
Batteries	Trade show/exhibit
Beer	Truck
Building materials	Water softening/purification
Electrical parts	Welding
Food	Fabric shop
Janitorial supplies	Farmers market (including outdoor)
Lubrication	Finance agency
Machines	Financial planning service
Medical supplies	Fireworks sales (indoor)
Oil	Fitness center
Paint	Flea market (indoor)
Petroleum products	Floor covering store
Pipe	Florist
Plumbing fixtures	Foundation office
Soft drinks	Foundry
Steel	Fraternity house
Tires (new)	Freight service
Truck bodies	Fruit/vegetable store (indoor)
Vending machines	Funeral home
Windows	Furniture production
Doctor	Furniture store
Dormitory	Furrier
Driving instruction	Game rental
Drug store	Game sales
Dry cleaning facility (central)	Gift shop
Dry cleaning store	Glass cutting/glazing shop
Educational institution	Graphic design service
Embroidery	Grocery store or supermarket
Employment agency	Group residential facility (large) ⁽¹⁾
Engineer	Group residential facility (small)
Entertainment facility	Growing/processing/raising of natural products
Equipment rental (limited and general)	Gymnastics instruction
Equipment supply facility for:	Hardware store
Air purification	Haunted house
Electric wire and cable	Health club
Electrical	Heating sales
Fire protection	Hobby shop
Food service	Home improvement business
Heating, ventilation, or air conditioning	Home repair
Industrial	Homeless shelter
Maintenance	Hospice care center
Mechanical	Hospital
Medical	Hotel
Power transmission	Household appliance store
Radio/communication	Hydroponics

ALLEN COUNTY ZONING ORDINANCE

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Ice cream store	Mortgage service
Information technology	Motel
Insurance agency	Movie rental
Interior decorating store	Movie sales
Interior design service	Multiple family complex ⁽²⁾
Internet applications/products	Multiple family dwelling ⁽²⁾
Internet service	Museum
Investment service	Music instruction
Jewelry sales	Music store
Junk yard (indoor)	Music studio
Laboratory	Musical instrument store
Laboratory (testing)	Nail salon
Land surveyor	Nursing home
Lathe/screw machine products	Nutrition service
Laundromat	Ophthalmologist
Laundry facility (central)	Optician
Leather goods store	Optometrist
Legal service	Package liquor store
Limited assembly and fabrication of:	Packaging facility
Bio-medical/orthopedic products	Paint store
Communication and computation equipment	Painting studio
Computer hardware products	Parking area ⁽¹⁾
Computers and electronics	Parking area (off-site) ⁽³⁾
Industrial controls	Pet store
Medical devices	Pharmacy
Optical instruments	Photography studio
Orthopedic devices	Photography supply store
Scientific and precision instruments	Photography training
Service industry machines	Physical therapy facility
Specialty equipment	Picture framing facility
Live-work unit	Pilates instruction
Loan office	Planetarium
Luggage store	Planner
Machine design facility	Plastic extrusion
Machine tool shop	Plastic molding
Magnet wire facility	Podiatrist
Maintenance or repair facility	Pottery sales
Marketing agency	Printing facility
Martial arts training	Printing press
Massage therapy	Processing facility for:
Meat/fish market	Animal products (indoor)
Medical device technology	Animals (indoor: includes skins, hides, or reduction of animal matter)
Medical supply sales	Lumber
Medical training	Metal (anodizing, buffing, galvanizing, plating, polishing)
Metal cutting	Raw Materials
Metal extrusion	Timber
Metal fabricating	Product research and development
Metal molding	Propane facility
Model unit	Public transportation facility

ALLEN COUNTY ZONING ORDINANCE

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Radio station	Tanning salon
Real estate	Tavern
Reception hall	Tax consulting
Recording studio	Tea room
Recycling processing facility	Telephone sales
Refractory	Telephone service
Refurbishing facility	Television station
Rental store	Tennis club
Research and development facility	Theater
Residential dwelling unit ⁽⁴⁾	Title company
Residential facility for homeless individuals (up to 8) ⁽¹⁾	Tobacco store
Restaurant, including drive-through	Tool and die facility
Retirement facility	Townhouse complex ⁽²⁾
Sales yard for:	Toy store
Building materials	Travel agency
Lumber	Treatment center
Sand, gravel, stone	Tree service
Salvage yard (indoor)	Truck depot/terminal
Sandwich shop	Truck stop
Savings and loan	Tutoring service
Sculpture studio	Universally permitted use ⁽³⁾
Security service	Utility facility (private)
Sexually oriented business ⁽⁵⁾	Variety store
Sheet metal fabrication	Vehicle technology (advanced)
Sheet metal processing	Veterinary clinic (indoor)
Shoe repair shop	Warehouse/storage facility
Shoe store	Watch sales
Sign fabricating	Website service
Sign sales store	Wedding consultant
Skating rink	Weight loss service
Sleep disorder facility	Welding service
Social service agency	Wholesale facility
Sorority house	Wind energy conversion system (micro) ⁽¹⁾
Sporting goods sales	Wind energy conversion system (standard) ⁽⁶⁾
Stained glass studio	Window sales
Stationery store	Winery
Stock and bond broker	Woodworking
Surgery center	Yoga instruction
Swim club	Zoo
Tailor	
Notes:	
(1) If not adjacent to a residential district	
(2) See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))	
(3) See universally permitted use definition for additional standards	
(4) Above, to the rear of, or attached to a permitted nonresidential use	
(5) Subject to the standards in 3-4-13-2	
(6) If on land of over two (2) acres not adjacent to a residential district	

ALLEN COUNTY ZONING ORDINANCE

3-2-23-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) Animal **slaughter house** (outdoor);
 - (2) **Automobile service, general**;
 - (3) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (4) Fuel **storage** facility;
 - (5) **Gas station**;
 - (6) **Group residential facility** (large) (if **adjacent** to a residential **district**);
 - (7) Illuminated **recreation field** (if **adjacent** to a **residential** district);
 - (8) **Junk yard** (outdoor);
 - (9) **Motor vehicle storage yard**;
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Parking area** (as a primary use, if **adjacent** to a residential **district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (12) Parking or **outdoor display** area, gravel (not otherwise permitted);
 - (13) Processing facility for: animals (includes skins, hides, or reduction of animal matter; outdoor) or animal products (outdoor);
 - (14) **Residential facility for a court-ordered re-entry program**;
 - (15) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (16) **Salvage yard** (outdoor);
 - (17) **Sawmill**;
 - (18) **Sign** (temporary **subdivision** direction);
 - (19) **Solar panel (ground-mounted)**;
 - (20) **Solid waste transfer station** (see A.C.C. 3-5-3-4(c)(8) for additional standards);
 - (21) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - (22) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-23-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-23-5

Development Standards

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

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

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ALLEN COUNTY ZONING ORDINANCE

Chapter 24 I3 Intensive Industrial

3-2-24-1 Purpose

The Intensive Industrial **district** is intended to provide areas for intense industrial **uses** such as fabricating, **manufacturing**, processing, extraction, heavy repair and dismantling industries where outside operations and **storage** areas may be required. Due to the nature of these industries, **districts** are typically located away from residential areas and **districts**. I3 **districts** should be buffered by less intensive industrial or commercial **districts** to minimize adverse impacts on surrounding land **uses**.

3-2-24-2 Permitted Uses

The following **uses** are permitted as a matter of right in an I3 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**.

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building/structure/use	Art instruction
Accountant	Art studio
Adoption service	Art supply store
Adult care center	Asphalt plant
Advertising	Assembly facility for/manufacturing of:
Agricultural equipment sales	Adhesive/glue
Agricultural equipment service	Agricultural implements
Agricultural supply sales	Aircraft
Air conditioning sales	Animal feed
Air conditioning service	Appliances
Air freight service	Automobiles
Alteration service	Bicycles
Amusement park	Boats
Animal grooming	Carbon steel pipe and tubing
Animal hospital	Computers
Animal kennel	Concrete and concrete products
Animal obedience school	Electronics
Animal slaughter house	Insulation
Answering service	Manufactured homes
Antique shop	Modular buildings
Apparel and accessory store	Motorcycles
Apparel fabrication and processing	Motors
Appliance store	Paper/paper products
Appraiser	Recreational vehicles
Aquaculture	Spas
Aquaponics	Stainless steel
Arcade	Steel
Architect	Tile
Arena	Tires
Art gallery	Valves

ALLEN COUNTY ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Assembly of finished products	Business incubation office or laboratory
Assisted living facility	Business training
Athletic field	Campus housing (off-site)
Attorney	Candy store
Auction hall	Canvas product fabrication
Auction service	Catalog showroom
Audiologist	Caterer
Audio-visual studio	Ceramic product fabrication
Automatic teller machine	Check cashing
Automobile accessory store	Child care center
Automobile auction	Child care home (class I or II)
Automobile body shop	Chiropractor
Automobile detailing or trim shop	Clinic
Automobile maintenance (quick service)	Clock sales
Automobile rental	Clothing alterations
Automobile repair	Clothing rental
Automobile restoration	Clothing store
Automobile rustproofing	Club, private
Automobile sales	Coffee shop
Automobile washing facility	Coin shop
Bait sales	Collection agency
Bakery	Community garden (including outdoor)
Bakery goods	Compounding of:
Bank	Chemicals
Bankruptcy service	Cleaning supplies
Banquet hall	Cosmetics
Bar	Pharmaceuticals
Barber shop	Computer sales and service
Barber/beauty school	Computer software
Batting cages	Computer software store
Beauty shop	Computer training
Betting or other gambling facility	Concrete plant
Bicycle sales and repair shop	Consignment shop
Billiard or pool hall	Consulting service
Bingo establishment	Consumer electronics sales
Bio-medical/orthopedic equipment	Consumer electronics service
Bioscience development, research, or testing	Contractor (construction, excavation, landscape)
Blood bank	Convenience store
Blood or plasma donor facility	Copy service
Boarding house	Correctional services facility
Boat dry dock facility	Cosmetic store
Boat sales	Costume rental
Book store	Counseling service
Bookkeeping service	Country club
Bottling facility	Craft instruction
Bowling alley	Craft studio
Brewery	Craft supply store
Brewery (micro)	Credit service
Broadcast studio	Credit union
Broker	Crematory

ALLEN COUNTY ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Customer service facility	Equipment service
Dairy/creamery	Equipment supply facility for:
Dance instruction	Air purification
Data processing facility	Electric wire and cable
Data storage facility	Electrical
Day care	Fire protection
Day spa	Food service
Delicatessen	Heating, ventilation, or air conditioning
Dentist	Industrial
Department store	Maintenance
Diagnostic center	Mechanical
Dialysis center	Medical
Diaper service facility	Power transmission
Dinner theater	Radio/communication
Distillery	Restaurant
Distillery (micro)	Telecommunication
Distribution facility for:	Trade show/exhibit
Batteries	Truck
Beer	Water softening/purification
Building materials	Welding
Electrical parts	Exhibit hall
Food	Exterminator
Janitorial supplies	Fabric shop
Lubrication	Farmers market (including outdoor)
Machines	Feed store
Medical supplies	Finance agency
Oil	Financial planning service
Paint	Fireworks sales
Petroleum products	Fitness center
Pipe	Flea market
Plumbing fixtures	Floor covering store
Soft drinks	Florist
Steel	Foundation office
Tires (new)	Foundry
Truck bodies	Fraternity house
Vending machines	Freight service
Windows	Fruit/vegetable store
Doctor	Fuel storage facility
Dormitory	Funeral home
Driving instruction	Furniture production
Drug store	Furniture refinishing/repair
Dry cleaning facility (central)	Furniture store
Dry cleaning store	Furrier
Educational institution	Game rental
Embroidery	Game sales
Employment agency	Garden equipment supply
Engine repair	Gas station ^(1, 2)
Engineer	Gift shop
Entertainment facility	Glass cutting/glazing shop
Equipment rental (limited and general)	Go-kart facility ⁽²⁾

ALLEN COUNTY ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Golf course, miniature	Limited assembly and fabrication of:
Golf driving range	Bio-medical/orthopedic products
Graphic design service	Communication and computation equipment
Greenhouse (retail)	Computer hardware products
Greenhouse (wholesale)	Computers and electronics
Grocery store or supermarket	Industrial controls
Group residential facility (large) ⁽²⁾	Medical devices
Group residential facility (small)	Optical instruments
Growing/processing/raising of natural products	Orthopedic devices
Gun sales	Scientific and precision instruments
Gymnastics instruction	Service industry machines
Hardware store	Specialty equipment
Haunted house	Live-work unit
Health club	Loan office
Heating sales	Luggage store
Heating service	Machine design facility
Hobby shop	Machine tool shop
Home improvement business	Magnet wire facility
Home improvement store	Maintenance or repair facility
Home repair	Manufactured home sales
Homeless shelter	Marketing agency
Hospice care center	Martial arts training
Hospital	Massage therapy
Hot tub sales	Meat/fish market
Hotel	Medical device technology
Household appliance store	Medical supply sales
Hydroponics	Medical training
Ice cream store	Metal cutting
Information technology	Metal extrusion
Insurance agency	Metal fabricating
Interior decorating store	Metal molding
Interior design service	Model unit
Internet applications/products	Mortgage service
Internet service	Motel
Investment service	Motor vehicle auction
Jewelry sales	Motor vehicle rental
Junk yard	Motor vehicle repair
Laboratory	Motor vehicle sales
Laboratory (testing)	Motor vehicle storage yard
Land surveyor	Movie rental
Landscape contracting service	Movie sales
Lathe/screw machine products	Multiple family complex ⁽³⁾
Laundromat	Multiple family dwelling ⁽³⁾
Laundry facility (central)	Museum
Leather goods store	Music instruction
Legal service	Music store

ALLEN COUNTY ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Music studio	Reception hall
Musical instrument store	Recording studio
Nail salon	Recreation area
Neighborhood facility	Recreation facility
Nursing home	Recreation uses
Nutrition service	Recycling processing facility
Ophthalmologist	Refractory
Optician	Refurbishing facility
Optometrist	Rental store
Package liquor store	Research and development facility
Packaging facility	Residential dwelling unit ⁽⁵⁾
Paint store	Residential facility for homeless individuals (up to 8) ⁽²⁾
Painting studio	Restaurant , including drive-through
Parking area	Retirement facility
Parking area (off-site) ⁽⁴⁾	Riding stable
Parking structure	Sales yard for:
Pawn shop	Building materials
Pest control	Lumber
Pet store	Sand, gravel, stone
Pharmacy	Salvage yard
Photography studio	Sandwich shop
Photography supply store	Savings and loan
Photography training	Sawmill
Physical therapy facility	Sculpture studio
Picture framing facility	Seasonal sales
Pilates instruction	Security service
Planetarium	Sheet metal fabrication
Planner	Sheet metal processing
Plant nursery	Shoe repair shop
Plastic extrusion	Shoe store
Plastic molding	Shooting range (indoor)
Plumbing sales	Sign fabricating
Plumbing service	Sign sales store
Podiatrist	Skating rink
Pottery sales	Sleep disorder facility
Printing facility	Social service agency
Printing press	Solid waste transfer station
Processing facility for:	Sorority house
Animal products	Sporting goods sales
Animals (includes skins, hides, or reduction of animal matter)	Stadium/racetrack ⁽¹⁾
Lumber	Stained glass studio
Metal (anodizing, buffing, galvanizing, plating, polishing)	Stationery store
Raw materials	Stock and bond broker
Timber	Storage shed sales
Product research and development	Surgery center
Propane facility	Swim club
Propane sales	Swimming pool sales
Public transportation facility	Tailor
Radio station	Tanning salon
Real estate	Tattoo establishment

ALLEN COUNTY ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Tavern	Truck stop
Tax consulting	Tutoring service
Taxi service	Universally permitted use ⁽⁴⁾
Taxidermist	Utility facility (private)
Tea room	Variety store
Telephone sales	Vehicle technology (advanced)
Telephone service	Veterinary clinic
Television station	Warehouse/storage facility
Tennis club	Watch sales
Theater	Watercraft sales
Tire sales	Website service
Title company	Wedding consultant
Tobacco store	Weight loss service
Tool and die facility	Welding service
Towing service	Wholesale facility
Townhouse complex ⁽³⁾	Wind energy conversion system (micro) ⁽²⁾
Toy store	Wind energy conversion system (standard) ⁽⁶⁾
Trade show facility	Window repair
Travel agency	Window sales
Treatment center	Winery
Tree service	Woodworking
Truck depot/terminal	Yoga instruction
Truck fueling station	Zoo
Notes:	
(1)	If not adjacent to a residential district
(2)	No gas station canopy shall be located between the primary building and a residential district
(3)	See multiple family building and complex perimeter setback and building separation requirements in R3 district (A.C.C. 3-2-8-5(a))
(4)	See universally permitted use definition for additional standards
(5)	Above, to the rear of, or attached to a permitted nonresidential use
(6)	If on land of over two (2) acres not adjacent to a residential district

ALLEN COUNTY ZONING ORDINANCE

3-2-24-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Group residential facility** (large) (if **adjacent** to a **residential district**);
 - (3) **Illuminated recreation field** (if **adjacent** to a **residential district**);
 - (4) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (5) **Open use of land** (not otherwise permitted);
 - (6) Parking or **outdoor display** area, gravel (not otherwise permitted);
 - (7) **Residential facility for a court-ordered re-entry program**;
 - (8) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (9) **Sign** (temporary **subdivision** direction);
 - (10) **Solar panel (ground-mounted)**;
 - (11) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - (12) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-24-4 **Accessory Buildings, Structures and Uses**

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into a single family detached dwelling; the integrated accessory dwelling unit shall be at least 300 square feet		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
Tree house	Shop (for sale of religious institution -related items)
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-24-5

Development Standards

- (a) The standards in the following table shall apply in the I3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I3 INTENSIVE INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum)⁽¹⁾			
Primary or accessory nonresidential building or structure		75'	
Primary or accessory residential facility building or structure		Up to two stories or 30' ⁽²⁾	
Front yard			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot)			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Whichever is less			

ALLEN COUNTY ZONING ORDINANCE

- (b) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
Access ramp	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Arbor , basketball goal, bird bath/house/feeder, driveway , flagpole, garden (private), landscape elements , mail/newspaper delivery box, property boundary marker, small satellite dish , trellis , yard light	Permitted ⁽¹⁾	Permitted ⁽¹⁾	Permitted ⁽¹⁾
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow window , or similar feature)	May project up to 2'	May project up to 2' ⁽²⁾	May project up to 2'
Awning or canopy ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Balcony or open stairway ⁽³⁾	May project up to 4'	May project up to 4' ⁽²⁾	May project up to 4' ⁽²⁾
Bath house/cabana, carport , garage , gazebo , greenhouse , pergola, shed , smoke house (personal), swimming pool	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾	Not permitted ⁽⁴⁾
Deck , landing or porch , open (shall not extend above the height of the first floor) ⁽³⁾	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), play equipment , radio antenna (amateur), large satellite dish , tree house	Not permitted ⁽⁴⁾	Permitted	Permitted
Fence (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade patio	May project up to 8'	May project up to 4' ⁽²⁾	May project up to 8' ⁽²⁾
Stoop	Permitted ⁽¹⁾	May project up to 4' ⁽²⁾	Permitted ⁽¹⁾
Wall (freestanding; permitted up to 8' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Wall (retaining, up to 3' in height)	Permitted	Permitted	Permitted
Wall (retaining, over 3' in height)	Not permitted ⁽⁴⁾	Permitted ⁽⁵⁾	Permitted ⁽⁵⁾
Notes:			
(1) May be located within required yard with no setback			
(2) However, a 5' side or rear yard shall be maintained			
(3) If not adjacent to a residential district ; shall not project if adjacent to a residential district			
(4) Shall meet minimum primary structure setback			
(5) However, fences and walls shall meet corner lot primary structure setback standard			
(6) Up to 3' in height			

ALLEN COUNTY ZONING ORDINANCE

ARTICLE 3 – DEVELOPMENT PROCESSES AND STANDARDS

Chapter 1 Development Plans

3-3-1-1 Purpose

The Development Plan process is intended to:

- (a) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**; and
- (b) Allow for public, **Commission** and staff review of and input on the site layout, access and circulation, and **development** quality of certain **development** proposals, the potential impacts of those proposals on surrounding areas, and the ability of the **County** and other governmental or quasi-governmental entities to provide public services required by those **developments**.

3-3-1-2 When Required

- (a) A Development Plan application shall be submitted and approved when an applicant is proposing the types of **development** indicated in the following table. If a Secondary Development Plan is not required, an administrative Site Plan Review process will generally be required following the Primary Development Plan approval.

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Rezoning (when accompanied by a specific development project proposal, for which the applicant is requesting Plan Commission approval)	✓	
Projects proposing more than one new primary building on a single lot or development site	✓	✓
Projects proposing the phased construction of infrastructure or streets	✓	✓
Projects requesting a waiver from one or more ordinance standards	✓	

- (b) In addition to the provisions above, an applicant or **lot owner** may choose to voluntarily submit a project or **development** through the Development Plan process.
- (c) As part of its consideration and approval of a request for a **contingent use, special use, or use** variance, the **Board of Zoning Appeals** may require the submission and approval of a Development Plan.

ALLEN COUNTY ZONING ORDINANCE

3-3-1-3

Primary Development Plans

(a) Pre-Application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a Primary Development Plan. The purpose of this pre-application meeting is to:

- (1) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards or requirements;
- (2) Review the Development Plan procedures and submittal requirements;
- (3) Acquaint the applicant with any inherent limiting characteristics of the specific site or surrounding areas; and
- (4) Reduce the time period between initial application and **Commission** approval.

(b) Submittal Requirements

The applicant for a Primary Development Plan approval shall submit an application and **fee**, the required number of Primary Development Plan Site Plans, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **DPS** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public hearing. A determination made by **DPS** staff with regard to the completeness of a Primary Development Plan application may be appealed to the **Commission**, pursuant to the **Commission's** rules.

(c) Review

- (1) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (2) After receipt of a complete application, the **DPS** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, and as established by the **Commission's** rules:
- (3) **DPS** staff shall review the application and shall make a recommendation on the application.
- (4) The **Commission** shall hold a public hearing on the application for approval of the proposed Primary Development Plan in accordance with the **Commission's** rules.

(d) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Primary Development Plan.

(1) Decision

After the public hearing on the Primary **Development Plan**, the **Commission** shall approve or deny the application. The **Commission** shall approve the Primary Development Plan if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the plan subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

ALLEN COUNTY ZONING ORDINANCE

(2) Deferral

The **Commission** may also defer action on the Primary Development Plan if it needs more information or time to determine if the Primary Development Plan is eligible for approval. In deferring action on a Primary Development Plan, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be approved until specific changes are made or additional information is submitted by the applicant, the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the **Commission** may deny the application.

(3) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application to approve a Primary Development Plan. If approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(4) Notice of Decision

Notice of the **Commission's** decision on a Primary Development Plan shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(5) Appeal of Decision

Any action by the **Commission** on a Primary Development Plan application shall be a final decision and may be reviewed as provided in IC 36-7-4-1016.

(6) Period of Valid Approval

- (A) Approval of the Primary Development Plan by the **Commission** is valid for twenty-four (24) months from the date of approval. If approval of a Secondary Development Plan or Site Plan for some portion of the land covered by the Primary Development Plan approval is not obtained within that twenty-four (24) month period, the Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (B) below.
- (B) The applicant may request approval from the **Commission** for an extension of time to obtain approval of a Secondary Development Plan or a Site Plan, for the proposed **development**, as applicable. The request shall be made prior to the expiration of the twenty-four (24) month approval period.
- (C) If a Secondary Development Plan is required pursuant to A.C.C. 3-3-1-2 and the applicant obtains approval of a Secondary Development Plan but then fails to obtain an **Improvement Location Permit** for at least part of the **development site** included in that Secondary Development Plan within the time required by A.C.C. 3-3-1-4(c)(6)(A), both the Secondary Development Plan and the Primary Development Plan related to that **development site** shall lapse and be null and void.

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- (D) If a **Certificate of Compliance** has been obtained for at least a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan or Site Plan approval of the remainder of the Primary Development Plan area.

3-3-1-4 Secondary Development Plans

If a Secondary Development Plan is required pursuant to A.C.C. 3-3-1-2, the approval of a Secondary Development Plan shall be governed by the provisions of this A.C.C. 3-3-1-4. In cases where a Primary Development plan has been previously approved for the same **development site**, a Secondary Development Plan may be submitted simultaneously with the submittal of an amended Primary Development Plan. A Secondary Development Plan may only be submitted simultaneously with a Primary Development Plan if the applicant provides all required application materials in the level of detail required to constitute a complete application for both if they were submitted sequentially. The **Commission** may make a decision on both a revised Primary Development Plan and a Secondary Development Plan as part of a single review process, provided that all submittal requirements and all approval criteria for both a Primary and Secondary Development Plan have been met.

(a) Submittal Requirements

The applicant for a Secondary Development Plan approval shall submit an application and **fee**, the required number of Secondary Development Plan Site Plans, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **DPS** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available meeting. A determination made by **DPS** staff with regard to the completeness of a Secondary Development Plan application may be appealed to the **Commission**.

(b) Review

- (1) The **DPS** staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission** by rule.
- (2) **DPS** staff shall review the application and shall make a recommendation on the application.
- (3) The **Commission** shall review the application for approval of the proposed Secondary Development Plan at a meeting of the **Commission**, in accordance with the **Commission's** rules.

(c) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Secondary Development Plan.

(1) Decision

After review of the Development Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Secondary Development Plan if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:

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- (A) The application is consistent with the approved Primary Development Plan for the **development site**, including any **conditions** attached to the Primary Development Plan approval;
 - (B) The application meets those design and **development** standards for Development Plans in A.C.C. 3-3-1-5;
 - (C) If the application involves multiple **buildings** on a single **parcel**, or on several contiguous **parcels**, where each **building** is not located on a separate **parcel**, then the location and layout of those **buildings** and their orientation to each other will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area.
 - (D) If the application involves the phased construction of **infrastructure** or **streets**, the order of phased **development** will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area, and are within the capacity of the **County** or applicable service provider to service and maintain.
- (2) Deferral
The provisions of A.C.C. 3-3-1-3(d)(2) apply.
 - (3) Findings
The provisions of A.C.C. 3-3-1-3(d)(3) apply.
 - (4) Notice of Decision
The provisions of A.C.C. 3-3-1-3(d)(4) apply.
 - (5) Appeal of Decision
The provisions of A.C.C. 3-3-1-3(d)(5) apply.
 - (6) Period of Valid Approval
 - (A) Approval of the Secondary Development Plan by the **Commission** is valid for thirty-six (36) months from the date of approval. If approval of an **Improvement Location Permit** for some portion of the land covered by the Secondary Development Plan approval is not obtained within that thirty-six (36) month period, both the Secondary Development Plan approval and the related Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (B) below.
 - (B) The applicant may request approval from the **Commission** for an extension of time to obtain approval of an **Improvement Location Permit**, for all or part of the proposed **development**. The request shall be made prior to the expiration of the thirty-six (36) month approval period.
 - (C) If a **Certificate of Compliance** has been obtained for a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan approval of the remainder of the Primary Development Plan area.

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(d) Issuance of Permit

Prior to the issuance of an **Improvement Location Permit** for any **use, building, or structure** in a project where a Primary and/or Secondary Development Plan is required, all of the following requirements shall be satisfied.

- (1) If the **use, building, or structure** is part of a **development** for which only a Primary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and **DPS** staff shall have approved a Site Plan Review pursuant to A.C.C. 3-3-2 (Site Plan Review).
- (2) If the **use, building, or structure** is part of a **development** for which a Secondary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and a Secondary Development Plan.
- (3) The applicant shall have met or adequately committed to meet all of the **conditions** of approval placed on each approved Development Plan.
- (4) The applicant shall have installed or adequately committed to have installed all of the public improvements and **infrastructure** required to serve the **development**. If the applicant has delivered assurances to the **County** pursuant to A.C.C. 3-5-3-1(e) (**Commitments**) that it will provide to the **Commission** approvals of required improvements, and the applicant does not then deliver those approvals in a timely fashion, the **Commission** is hereby empowered to refuse to issue either **Improvement Location Permits** or Certificates of Compliance for the **development site** within that Primary or Secondary Development Plan until the required approvals are received by the **Commission**.
- (5) The applicant shall have recorded in the Allen **County Recorder's** Office all of the required documents, **rights-of-way, utility easements, plans, deed restrictions, restrictive covenants, commitments, and any other instruments** required by the **Commission** or staff, in a form approved by the **Commission**.

3-3-1-5 **Development** and Design Standards

Development and design standards applicable to Development Plans are listed in A.C.C. 3-4-4. Some **waivers** and exceptions to **development** and design standards are permitted for Development Plans pursuant to A.C.C. 3-4-5-2.

3-3-1-6 **Commitments**

As part of its approval of a Primary or Secondary Development Plan, the **Commission** or **Executive Committee** may permit or require the **owner** of the **development site** included in the request to make a **commitment** concerning the **use or development** of that **development site**, in accordance with IC 36-7-4-613, A.C.C. 3-5-3-1(e), and the **Commission's** rules.

3-3-1-7 Amendments to Approved Development Plans

After the **Commission** has granted approval of a Primary or Secondary Development Plan, any amendments to the Development Plan shall be submitted by the applicant to the Executive Director by way of an amended application for the type of approval sought. The application shall also be accompanied by the pertinent submissions required by the **County** for the proposed amendments involved, as determined by the Executive Director. For purposes of all amendments to approved Development Plans, the **Zoning Administrator** shall determine whether there is a **substantial change** by considering the scope of the overall project, the possible impact of amended land **uses** or site activities, **structure** locations, sizes, or heights, or

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transportation access, systems, or volumes upon the community and land **uses**, both existing and planned, which surround the Development Plan area and areas within the Development Plan that have already been developed.

(a) Purpose

The purpose of this section is to describe how an approved Primary or Secondary Development Plan may be amended, and to clarify the difference between minor amendments that may be approved by **DPS** staff and amendments that are determined to be a **substantial change** that requires approval by the **Commission**.

(b) Amendment after Approval of a Primary Development Plan

Proposed amendments to an approved Primary Development Plan shall be reviewed in accordance with the following:

- (1) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, and the proposed **development** requires the approval of a Secondary Development Plan, the revised plan may be submitted as an application for a Secondary Development Plan.
- (2) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, or the proposed **development** does not require approval of a Secondary Development Plan, the submission of a new Primary Development Plan shall be required. The previous Primary Development Plan shall be void once the new Primary Development Plan is approved. The new Primary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this ordinance.

(c) Amendments after Approval of a Secondary Development Plan Prior to **ILP** Issuance

Proposed amendments to an approved Secondary Development Plan prior to approval of an **Improvement Location Permit** shall be reviewed in accordance with the following:

- (1) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with the application for an **Improvement Location Permit**, and shall be considered by **DPS** staff at the same time as the **Improvement Location Permit**.
- (2) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, the submission of a new Secondary Development Plan shall be required. The previous Secondary Development Plan shall be void once the new Secondary Development Plan is approved. The new Secondary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

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(d) Amendments after issuance of the **ILP**

A proposed amendment or **addition** to an approved Secondary Development Plan where **Improvement Location Permits** have been issued, but where no construction on any **structures** has taken place, shall be reviewed in accordance with the following:

- (1) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with an application for a new **Improvement Location Permit**.
- (2) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved Secondary Development Plan the submission of a new Secondary Development Plan shall be required. The previously approved Secondary Development Plan and previously issued **Improvement Location Permit** shall be revoked and declared void once the new Secondary Development Plan is approved. The amended Secondary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this subchapter.
- (3) If the **Zoning Administrator** determines that the amendment is substantial enough that another public hearing should be required, the applicant shall resubmit the revised plan as a new Primary Development Plan, and the previously issued **Improvement Location Permit** shall be voided. The new Primary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

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Chapter 2 Site Plan Review

3-3-2-1 Purpose

The purpose of this chapter is to:

- (a) Provide a process that allows for administrative review of certain projects for compliance with the provisions of this ordinance; and
- (b) Allow reviewing staff to provide input on proposed projects.

3-3-2-2 When Required

Except as excluded in A.C.C. 3-3-2-3, any proposal for a new **building** or **structure** or an **addition** to an existing **building** in the following categories that does not require the submission of a Development Plan under the provisions of A.C.C. 3-3-1, requires submittal, review and approval through the Site Plan Review process:

- (a) New individual multiple **family buildings** of over two (2) units;
- (b) A nonresidential **structure** or **building** (including a single **building** on an individual **lot** or **development site**, an **accessory structure** or **building**, **additions** to an existing **building**, a **gas station canopy** or pumps, and an outdoor eating/drinking/smoking area);
- (c) If the **Plan Commission, Board of Zoning Appeals**, or Hearing Officer determines in the course of application review that the proposal is large, complex, or raises potential unanticipated **development** impacts, the **Plan Commission, Board of Zoning Appeals**, or Hearing Officer may require that the proposed project complete the Site Plan Review process.

3-3-2-3 Exclusion

Projects of less than 1,000 square feet that do not have sanitary sewer or water facilities and fire sprinkler systems (including mobile classrooms but excluding **gas station canopies** or outdoor eating/drinking/smoking areas), shall be exempt from the Site Plan Review process. Temporary construction or temporary sales/leasing facilities that do not have water and sanitary sewer connections shall also be exempt from the Site Plan Review process.

3-3-2-4 Pre-Application Meetings

- (a) Prior to the submission of an application for approval of a Site Plan, a pre-application meeting between **DPS** staff and the applicant is recommended. The purpose of the pre-application meeting is to:
 - (1) Acquaint the applicant with the standards, procedures, and requirements of this ordinance and any other applicable standards or requirements;
 - (2) Review the Site Plan Review process procedures and submittal requirements;
 - (3) Acquaint the applicant with any potential issues or problems regarding the specific site or surrounding area, including **significant** cost or permit delay issues; and
 - (4) Provide the applicant with a list of application submittal requirements based on the nature and size of the proposed **development**.

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3-3-2-5 Submittal Requirements

The applicant for Site Plan Review shall submit an application form and supporting information as established by the **Commission**. **DPS** staff shall only distribute applications for review that have been determined by **DPS** staff to be complete. A determination made by **DPS** staff with regard to the completeness of a Site Plan Review application may be appealed to the **Commission** in accordance with the **Commission's** rules.

3-3-2-6 **Development** and Design Standards

Development and design standards applicable to Site Plan Review are listed in Title 3, Chapter 4 (A.C.C. 3-4-4). No **waivers** of or exceptions to those standards are permitted through Site Plan Review.

3-3-2-7 Approval

(a) Filing Deadline

Application submission deadlines shall be according to the schedule and times established by **DPS** staff.

(b) Distribution and Review Schedule

Proposals submitted prior to the application deadline and determined to be complete submittals by **DPS** staff shall be distributed to the applicable review agency staff. The proposals shall be reviewed and comments submitted by the established review deadline. If no response is received from a review agency within ten (10) business days after transmittal of Site Plan Review materials, **DPS** staff may consider that the review agency has no objection to approval of the application as submitted.

(c) Action

Following review of a submitted Site Plan Review application, review staff may take the following actions:

- (A) The application may be approved, with or without **conditions**; review staff may place a hold on the **Certificate of Compliance** as part of the approval, to allow for: inspections of project improvements; issuance of project-related permits from other reviewing agencies; confirmation that previous **commitments** have been met or adequately committed to be met; or to obtain other information as necessary to confirm compliance with standards or requirements.
- (B) Changes to the application may be required if necessary to bring the application into compliance with the applicable standards and requirements; or
- (C) Additional information may be required if necessary to determine whether the application complies with the applicable standards and requirements; or
- (D) The application may be denied if it does not comply with the applicable standards and requirements and cannot be made to comply through the imposition of **conditions**.

(d) Reserved

(e) Time Frame for Valid Application or Approval

The following time frames shall apply to the validity of Site Plan Review applications and approvals:

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(1) Validity of Application

A Site Plan Review application shall remain valid for six (6) months from the application date, except that the applicant can request an extension from **DPS** staff prior to the expiration of the application. Extensions may be approved if **DPS** staff determines that the need for the extension arises due to unforeseen circumstances relative to the project. If the applicant has not requested an extension, **DPS** staff may void the application.

(2) Validity of Approval

A Site Plan Review approval shall remain valid for six (6) months from the approval date, except that the applicant can request an extension from **DPS** staff prior to the expiration of the approval. Extensions may be approved if **DPS** staff determines that the need for the extension arises due to unforeseen circumstances relative to the project. If the applicant has not requested an extension, **DPS** staff may void the approval.

(f) **Improvement Location Permit**

(1) Revised Plans or Documents

After the review agency comments are received by **DPS** staff, it is the responsibility of the designated project representative to provide the **DPS** or reviewing staff with any requested information or revised plans or documents.

(2) Issuance of Permit

After all of the reviewing agencies have sent approvals for the proposal to **DPS** staff (or failed to respond for ten (10) business days following the transmittal of application materials), and any revised plans or documents have been approved by reviewing staff, an **Improvement Location Permit** shall be issued for the project.

(g) **Certificate of Compliance**

After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**.

(1) **Certificate of Compliance Release**

It is the designated project representative's responsibility to contact the reviewers and provide any requested information or schedule any required inspections required by the reviewing agencies for their release of the **Certificate of Compliance**. When all of the reviewing agencies have approved the release of the **Certificate of Compliance**, indicating compliance with all applicable standards and requirements, or that the applicant has adequately committed to meet the applicable **conditions** of approval, the **DPS** staff will issue the Certificate to the **Allen County Building Department**. **DPS** staff may require the issuance of multiple Certificates of Compliance for **ILPs** for projects with phased occupancy.

(2) Survey

For new **structures** the applicant may be required to submit a certified survey to document that the **structure(s)** meet **setback** requirements, in addition to satisfying any other **conditions** of approval established by the **DPS** staff.

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Chapter 3 Subdivision Control

3-3-3-1 Title

This chapter shall be known and cited as the Allen **County Subdivision** Control Regulations. The provisions in this chapter are an updated replacement of the previous Allen **County Subdivision** Control Ordinance (A.C.C. Title 4).

3-3-3-2 Purpose

(a) Major Subdivisions

The purpose of the **Major Subdivision** regulations in this chapter is to provide standards and procedures to regulate all divisions of land that do not qualify as **Minor Subdivisions** or **exempt divisions of land**, to ensure that **Major Subdivisions** are consistent with the **Comprehensive Plan**, that **Major Subdivisions** do not occur within the A1 or A3 **zoning districts**, and to provide minimum rules, regulations, and standards in order to achieve orderly **development** in the **County** through land **subdivision**; to provide for the proper arrangement of **streets** in relation to other existing or proposed **streets**; to promote the **use** of land to assure the best possible environment; to reduce the unplanned **development** and the public service and enforcement costs associated with that **development**; to promote the health, safety, and general welfare of the public, and the provision of sufficient capital improvements to maintain community standards while meeting the standards and specifications of the **County**.

(b) Minor Subdivisions

The purpose of the **Minor Subdivision** regulations in this chapter is to establish an expedited procedure to review the **platting** of residential **developments** containing no more than six (6) **lots** for single **family** and **two family dwellings** in the A1 or A3 **zoning districts**. An administrative review and **platting** process is hereby established to provide assurance that a **Minor Subdivision** meets certain minimum requirements and design standards.

3-3-3-3 When Required

(a) Jurisdiction

Each division of land within the **planning jurisdiction** of the Allen **County Plan Commission** is required to obtain approval of either **Minor Subdivision** pursuant to A.C.C. 3-3-3-5 or a **Major Subdivision** pursuant to A.C.C. 3-3-3-6, as applicable, unless it qualifies as an **exempt division of land** pursuant to A.C.C. 3-3-3-3(b).

- (1) No **subdivision** of land, as defined in this ordinance, may occur until such time as all the provisions of this A.C.C. 3-3-3 are complied with, the Allen **County Plan Commission** has acknowledged its approval by affixing its signatures and seal, and the sealed **plat** has been recorded in the Office of the Allen **County Recorder**.
- (2) No **lot** in a **subdivision** may be sold, and no permit to erect, alter, or repair any **building** upon land in a **subdivision** be issued, unless and until a **Major** or **Minor Subdivision** has received final approval and been recorded, and until the improvements required in connection with the **subdivision** have either been constructed or guaranteed as provided in this chapter.

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(b) Exempt Divisions of Land

(1) Exempt Divisions

The following divisions of land do not have to obtain approval of a **Minor Subdivision plat** pursuant to A.C.C. 3-3-3-5 or a **Major Subdivision plat** pursuant to this A.C.C. 3-3-3-6:

- (A) Land located within a **metes and bounds subdivision** that has been approved and registered in accordance with A.C.C. 3-3-3-7(b);
- (B) The **conveyance** of not more than one (1) **lot** or **parcel** from a **parcel** of land not more than once in each twelve (12) consecutive months, or the **conveyance** of any number of **lots** or **parcels** twenty (20) acres or greater, and further provided that the **lots** or **parcels** have adequate width to meet the **lot width** requirements of the **zoning district** where the **lot** or **parcel** is located; or are served by an access **easement** of at least twenty-five (25) feet in width located on an existing **parcel** that meets the **minimum lot width** requirements (such an access **easement** shall only serve one **parcel**, shall be located a minimum of sixty (60) feet from any other access **easement**, and shall be approved by the **Zoning Administrator**);
- (C) The **conveyance** of land located within a Development Plan, including projects where:
 - (i) The **Commission** has granted secondary approval; and
 - (ii) **Improvement Location Permits** and **Certificates of Compliance** have been issued for the entire development.
- (D) A division of a **parcel** of land for the transfer of a **parcel** of land to correct errors in an existing legal description, provided that no additional **building** sites are created;
- (E) A **conveyance** of a **parcel** of land pursuant to a distribution of land to a devisee, legatee or other heir pursuant to a last will and testament or intestate proceeding;
- (F) The **conveyance** of **parcel(s)** of land to one or both parties in a divorce proceeding pursuant to a court order regarding disposition of marital assets;
- (G) A division of a **parcel** of land for federal, state, or local government to acquire for public purposes;
- (H) A division of land resulting in the transfer or sale of land between contiguous **parcels** of land, provided that no additional **building** sites are created by the **subdivision**; and
- (I) A division of a **parcel** of land into **cemetery** plots.

(2) Certificate of Exempt **Subdivision**

An approved certificate of exemption, in lieu of a **plat**, shall be recorded contemporaneously with, or on the face of, the deeds that shall document the **conveyances** set forth in A.C.C. 3-3-3-3(b)(1)(A), (B), and (C). The certificate of exemption shall state that the **conveyance** is an exempt **subdivision** and the certificate shall be signed by the **Zoning Administrator**, or his or her designee.

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(c) **Minor Subdivisions**

Each division of land that does not qualify as an **exempt division of land** pursuant to A.C.C. 3-3-3-3(b) is required to obtain approval of **Major Subdivision** pursuant to A.C.C. 3-3-3-6 unless it meets all of the following requirements, in which case it is required to obtain a **Minor Subdivision Plat** pursuant to A.C.C. 3-3-3-5.

- (1) **Minor Subdivisions** shall only be permitted in an A1 or A3 **zoning district**.
- (2) **Minor Subdivisions** shall only be used to create **lots** for single **family** or **two family dwellings**.
- (3) **Minor Subdivisions** may contain no more than six (6) **lots**, and land included in an approved **Minor Subdivision** may not later be divided into more **lots** through the exempt land division process pursuant to A.C.C. 3-3-3-3(b)
- (4) There shall be only one (1) **Minor Subdivision** approved per **parcel** of land every eighteen (18) months; provided however, that an application may seek to replat a previously approved **Minor Subdivision** so long as the application only within the boundaries of the previously approved **Minor Subdivision**.
- (5) A **Minor Subdivision** served by **private streets** shall be permitted to have up to one (1) point of connection to an **adjacent parcel** (interconnection) and this interconnection shall only be to another **Minor Subdivision**. **Minor Subdivisions** served by **public streets** shall not have a limitation on interconnections.
- (6) **Minor Subdivisions** shall be served by individual **on-site sewage systems** or a sanitary sewer system of a sewage disposal provider that holds a certificate of territorial authority issued by the Indiana Utility Regulatory **Commission**, authorizing such sewage disposal service for the area in which the **Minor Subdivision** is located. Package sewage treatment plants and similar private sanitary sewer systems shall not be permitted.
- (7) **Minor Subdivisions** shall be served by individual private wells or public water systems. Community water systems shall not be permitted.

(d) **Major Subdivisions**

Each division of land that does not qualify as an **exempt division of land** pursuant to A.C.C. 3-3-3-3(b) and does not qualify for a **Minor Subdivision** pursuant to A.C.C. 3-3-3-3(c) is required to obtain approval as a **Major Subdivision** pursuant to A.C.C. 3-3-3-6.

3-3-3-4

Pre-application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a **Minor** or **Major Subdivision**. The purpose of this pre-application meeting is to:

- (a) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards or requirements;
- (b) Review the **subdivision** procedures and submittal requirements;
- (c) Acquaint the applicant with any inherent limiting characteristics of the specific site or surrounding areas; and
- (d) Reduce the time period between initial application and approval.

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3-3-3-5

Minor Subdivision

(a) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Minor Subdivision** to a Committee of the **Commission** by rule, and may delegate authority to grant **secondary approval** of a **Minor Subdivision** to the **DPS** staff, by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Minor Subdivision**, as applicable.

(b) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Minor Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **DPS** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public meeting. A determination made by the **DPS** staff with regard to the completeness of a **Minor Subdivision** application may be appealed to the **Commission** pursuant to the **Commission's** rules.

(c) Primary Review

- (1) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (2) After receipt of a complete application, the **DPS** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (3) **DPS** staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the **DPS** staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (4) The Committee of the **Commission** shall hold a public hearing on the application for primary approval of the proposed **Minor Subdivision** in accordance with the **Commission's** rules.

(d) Action and Additional Provisions

(1) Decision

- (A) After the public hearing on the primary approval of a **Minor Subdivision**, the Committee shall approve or deny the application. The Committee shall grant primary approval to the **Minor Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **subdivision** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.
- (B) If an application for a **Minor Subdivision** would constitute the third or more **Minor Subdivision** on the same **parcel** or **adjacent parcels** of land, then **DPS** staff and the Committee shall review the application in accordance with the following additional standards:
 - (i) Whether the approval of the **Minor Subdivision** in combination with all of the other previously approved **Minor Subdivisions** in the

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immediate surrounding area would provide for safe vehicular traffic along the **public street** to which the **Minor Subdivision** would have access, including, but not limited to, visibility at intersections, impact on existing public road **infrastructure, driveways**, curb cuts, and improvements needed for the safe movement of vehicles and pedestrians, in accordance with the standards of the Allen **County Highway Department**; and

- (ii) Whether the approval of the **Minor Subdivision** in combination with all of the other previously approved **Minor Subdivisions** in the immediate surrounding area would meet the storm drainage standards of the Allen **County Surveyor's Office**, including, but not limited to, the need to adequately handle the discharge of storm water and the impact on existing drains and drainage **structures**; and
- (iii) Whether the private **on-site sewage systems** in the **Minor Subdivision** in combination with the private **on-site sewage systems** in the other previously approved **Minor Subdivision** in the immediate surrounding area would present a health risk to the public, as determined by the guidelines of the Fort Wayne-Allen **County Department of Health**; and
- (iv) Whether the private wells in the **Minor Subdivision** in combination with the private wells in the previously approved **Minor Subdivision** in the immediate surrounding area would have an adverse impact on the other private wells, as determined by state law or other regulations.

(2) Deferral

The Committee may also defer action on primary approval of the proposed **Minor Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for approval. In deferring action on a Primary **Minor Subdivision**, the Committee shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a Committee determination that the application cannot be granted primary approval until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty-one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the Committee may deny the application.

(3) Findings

The Committee shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Minor Subdivision**. If the **subdivision** is denied, the written findings entered by the Committee shall set forth the reasons for such denial.

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(4) Notice of Decision

Notice of the Committee's decision on an application for primary approval of a **Minor Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by **Commission** rule.

(5) Period of Valid Approval

(A) Any primary approval of a **Minor Subdivision** by the **Executive Committee** shall be valid for a period of twenty-four (24) months from the date of that approval. If the **Minor Subdivision** has not received **secondary approval** within that twenty-four (24) month period, the preliminary approval of the **Minor Subdivision** shall be null and void, unless an extension is obtained pursuant to subsection (B) below.

(B) The applicant may request approval from the **Executive Committee** for an extension of time to obtain **secondary approval** of a **Minor Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(e) **Secondary Approval**

(1) Review

(A) Following primary approval of a **Minor Subdivision**, the applicant shall file an application for **secondary approval** of the **Minor Subdivision**.

(B) The **DPS** staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission's** rules.

(C) The **DPS** staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.

(D) The **Commission** shall consider reviewing the application at its next available business meeting.

(E) No notice or public hearing is required for approval of a Secondary **Minor Subdivision**.

(F) If an appeal of the Committee of the **Commission's** primary approval of a **Minor Subdivision** was filed, the **DPS** staff shall take no further action until the **Commission** has made a decision on the appeal, and any action on the application for **secondary approval** of a **Minor Subdivision** shall be consistent with the **Commission's** decision on the appeal.

(2) Decision

(A) After review of an application for **secondary approval** of a **Minor Subdivision**, the **DPS** staff shall approve or deny the application. The **DPS** staff shall grant **secondary approval** of the **Minor Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:

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- (i) The application is consistent with the primary approval of the **Minor Subdivision** for the **development site**, including any **conditions** attached to the **Minor Subdivision** primary approval;
 - (ii) The application meets those **development** design standards for **Minor Subdivisions** in A.C.C. 3-4-4; and
 - (iii) All required improvements and **infrastructure** for the **Minor Subdivision** have been completed.
- (B) If **secondary approval** is denied, the **DPS** Staff shall within three (3) business days after that denial furnish the applicant with a written list of the reasons for such denial.
- (C) If **secondary approval** is granted by **DPS** Staff, all certifications required by the **Commission's** rules shall be obtained by the applicant prior to recording.
- (D) The **Commission** may grant **secondary approval** of the **Minor Subdivision plat** subject to the expiration of the time provided for appeal under IC 36-7-4-708 of the primary approval of the **Minor Subdivision**; provided however, that the **plat** for which **secondary approval** has been granted shall not be signed or certified on behalf of the **Commission**, prior to the expiration of such appeal period.
- (3) Recording and Period of Validity
The provisions of A.C.C. 3-3-3-6(d)(4) shall apply.
- (f) **Development** and Design Standards
Development and design standards applicable to **Minor Subdivisions** are listed in Title 3, Chapter 4 (A.C.C. 3-4-4). No **waivers** of or exceptions to those standards are permitted for **Minor Subdivisions**.

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3-3-3-6

Major Subdivision

Major Subdivisions are not permitted in the A1 and A3 **districts**. In all other **districts**, **Major Subdivisions** of land are subject to the following standards and procedures.

(a) Delegation of Authority

The **Commission** may delegate authority to grant **secondary approval** of a **Major Subdivision** to a Committee of the **Commission** by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for **secondary approval** of **Major Subdivision**.

(b) Submittal Requirements

The applicant for a **Major Subdivision** shall submit an application form, a **subdivision plat**, and supporting information as established by the **Commission's** rules. Only applications that have been determined by **DPS** staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public meeting. A determination made by the **DPS** staff with regard to the completeness of a **Major Subdivision** application may be appealed to the **Commission** in accordance with the **Commission's** rules.

(c) Primary Approval

(1) Review

- (A) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (B) After receipt of a complete application, the **DPS** staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (C) **DPS** staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the **DPS** staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (D) The **Commission** shall hold a public hearing on the application for primary approval of the proposed **Major Subdivision** in accordance with the **Commission's** rules.

(2) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a **Major Subdivision**.

(A) Decision

After public hearing on the proposed **Major Subdivision**, the **Commission** shall grant primary approval to the **Major Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **plat** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

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(B) Deferral

The **Commission** may also defer action on the proposed **Major Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for primary approval. In deferring action on a **Major Subdivision**, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be granted primary approval until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty-one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the **Commission** may deny the application.

(C) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Major Subdivision**. If primary approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(D) Notice of Decision

Notice of the **Commission's** decision on an application for primary approval of a **Major Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(E) Period of Valid Approval

- (i) Any primary approval of a **Major Subdivision** by the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If **secondary approval** of the **Major Subdivision** is not obtained within that twenty-four (24) month period, the primary approval of the **Major Subdivision** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the **Commission** for an extension of time to obtain **secondary approval** of a **Major Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(d) **Secondary Approval**

(1) Delegation of Authority

The **Commission** may delegate authority to grant **secondary approval** of a **Major Subdivision** to a committee of the **Commission**. If such authority has been delegated, each reference to the **Commission** below shall apply to the Committee granted such authority. If the **Commission** has not delegated authority to grant approval of a **Secondary Major Subdivision**, the **Commission** shall review applications for **Secondary Major Subdivisions**.

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- (2) Review
 - (A) Following primary approval of a **Major Subdivision**, the applicant shall file an application for **secondary approval** of all or a specifically described portion of the **Major Subdivision**.
 - (B) The **DPS** staff shall distribute the application materials to those public and quasi-public agencies identified in the **Commission's** rules.
 - (C) The **DPS** staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
 - (D) The **Commission** shall consider reviewing the application at its next available business meeting.
 - (E) No notice or public hearing is required for a **secondary approval** of a **Major Subdivision**.
- (3) Decision
 - (A) After review of an application for **secondary approval** of a **Major Subdivision**, the **Commission** shall grant **secondary approval** of the **Major Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
 - (i) The application is consistent with the primary approval of the **Major Subdivision** for the **parcel**, including any **conditions** attached to the **Major Subdivision** primary approval;
 - (ii) The application meets those design and **development** standards for **Major Subdivisions** in A.C.C. 3-3-3-6(e);
 - (iii) The applicant has paid in full to the **Commission** all costs incurred for the furnishing of notice related to the primary approval of the **Major Subdivision** required under this ordinance or by the **Commission's** rules;
 - (iv) The applicant has installed all of the improvements required by this ordinance in accordance with the approved plans and specifications on file, and delivered to the **Commission** all necessary approvals and acceptances for those improvements from all applicable agencies and authorities; or in the event all of the required improvements have not been installed, the applicant has filed with the **Commission**, for any improvements already installed all necessary approvals and acceptances from all applicable agencies and authorities and provided financial guarantees pursuant to A.C.C. 3-3-3-6(f) for any required improvements not installed, or installed but for which all necessary approvals and acceptances from all applicable agencies and authorities have not been obtained.

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- (B) If **secondary approval** is denied, the **Commission** shall within five (5) business days after that denial furnish the applicant with a written list of the reasons for such denial.
 - (C) If **secondary approval** is granted by the **Commission**, all certifications required by the **Commission's** rules shall be obtained by the applicant prior to recording.
 - (D) **Secondary approval** may only be granted after the expiration of the time provided for an appeal of the Primary approval under I.C.36-7-4-708.
 - (E) Any action by the **Commission** for **secondary approval** of a **Major Subdivision** shall be a final decision.
 - (F) After **secondary approval** has been granted, the **plat** shall be certified and then released for recordation as established in the **Commission's** rules.
- (4) Recording and Period of Validity
- (A) It shall be the responsibility of the applicant to obtain all **Major Subdivision plat** certifications and signatures required by the **Commission's** rules, and to record the **Major Subdivision plat** with **secondary approval** and any associated covenants, **easements** or similar documents.
 - (B) Within one (1) year of the granting of **secondary approval** of the **Major Subdivision**, the applicant shall furnish to the Executive Director the original of the **subdivision plat** in its final form and with all required contents and restrictive covenants, as approved by or on behalf of the **Commission**.
 - (C) Upon receipt of the **plat**, the Executive Director shall determine whether the **plat** submitted for recording complies strictly in its form and contents with the **secondary approval** granted by or on behalf of the **Commission**.
 - (D) If the Executive Director determines that the submitted **plat** strictly complies with the **secondary approval**, the Executive Director shall have the **plat** signed and certified as established by rule and shall release the **plat** to be recorded.
 - (E) If the Executive Director determines that the **plat** submitted for recording does not strictly comply with the **secondary approval**, the Executive Director shall notify the applicant of any required changes to bring the **plat** into compliance with the **secondary approval** and shall allow the applicant an additional thirty (30) days to make those changes and to submit a corrected **plat** to the Executive Director for recording. If the applicant makes the required changes and submits a corrected **plat** and required recording **fees** within that thirty (30) day period, the Executive Director shall proceed to record the **plat** as described in subsection (D) above. If the applicant does not submit a corrected **plat** with the thirty (30) day period, or the **plat** submitted by the applicant during that period does not include the changes requested by the Executive Director, the primary and **secondary approvals** of the **subdivision** shall lapse and be void.

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(e) **Development** and Design Standards

Development and design standards applicable to **Major Subdivisions** are listed in Title 3, Chapter 4 (A.C.C. 3-4-4). Some modifications of or exceptions to **development** and design standards for **Major Subdivisions** are permitted pursuant to A.C.C. 3-4-5-2 and 3-4-5-3.

(f) Performance Guarantees

If an applicant applies for **secondary approval** of a **Major Subdivision** and has not installed all of the improvements required by this ordinance and the **Subdivision** approvals, the **Commission** or its designee may only consider the application if the applicant has executed with the **Commission** an **infrastructure** completion agreement as set forth below:

(1) **Infrastructure** Completion Agreement

The applicant has executed an agreement acceptable to the **Commission** confirming that:

- (A) The applicant will install all required **infrastructure** to serve each **lot** in the **Major Subdivision** before applying for an **Improvement Location Permit** for that **lot**, and
- (B) After **Improvement Location Permits** have been approved for fifty (50) percent of the **lots** in that phase of the **Major Subdivision**, no additional **Improvement Location Permits** for any **lot** in that phase of the **Major Subdivision** shall be issued until all required improvements have been installed, inspected, and approved by the **County** or the applicable governmental or quasi-governmental entity or a **subdivision** improvement **bond** is posted by the applicant, as described in subsection (2) below.
- (C) For purposes of this standard, each phase of a **Major Subdivision** shall be considered separately.

(2) **Subdivision** Improvement **Bond**

- (A) If the **DPS** is holding **Improvement Location Permits** under the terms of an **Infrastructure** Completion Agreement and required improvements in the **Major Subdivision** have not been completed, inspected, and approved as required by that agreement, then, as an alternative to completing those improvements, the applicant may execute and post with the **Commission** a **subdivision** improvement **bond**, in accordance with the **Commission's** rules, to insure installation, acceptance and approval of the remaining improvements as shown on the approved plans and specifications for the **Major Subdivision**.
- (B) The **subdivision** improvement **bond** shall:
 - (i) Be in an amount determined by the **Commission** to be sufficient to complete the improvements and installation in accordance with this ordinance, based on an estimate provided by the **developer** and determined to be adequate by the applicable reviewing entity;
 - (ii) Provide surety satisfactory to the **Commission**;
 - (iii) Run to the **Commission**; and

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- (iv) Specify the time for completion of the improvements and installations.
- (C) If an applicant posts a **subdivision improvement bond** as required by subsection (A) above and the required improvements are not installed within the time stated in the performance **bond**, the **Commission** is authorized to use funds from the **bond** to cause the improvements covered by the **bond** to be installed as shown in the approved plans and specifications for the **Major Subdivision**. Upon submission by the application of the document required under the regulations adopted by the **Commission**, demonstrating that all improvements have been installed in accordance with this ordinance, the **Commission**, or its duly authorized representative, shall release such performance **bond** and discharge the **developer** and surety, if any, from further liability or responsibility under the **bond**.

3-3-3-7 Secondary **Plat** Amendments and Adjustments

(a) General Amendments

After a **secondary approval** of a **Minor** or **Major Subdivision**, the **Commission** or its designee, is authorized to approve amendments to the **subdivision plat** if:

- (1) A request for amendment is filed, accompanied by the signatures of all **owners** of **lots** in the **plat**, and a survey if the **Commission** or its designee determines that a survey is necessary to accurately evaluate the impacts of the proposed amendment;
- (2) There is no increase in the number of **lots**;
- (3) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of **lot lines** and/or **right-of-way** lines; and
- (4) The amendment is consistent with the purposes and requirements of this ordinance.

(b) Errors or Omissions

If an error or omission is found at any time after the recording of a **Minor** or **Major Subdivision plat**, the Executive Director shall be notified of the error or omission in writing, and the property **owner** or his or her successor shall cause the error or omission to be corrected. The Executive Director shall determine how the correction of the error or omission shall be made. The Executive Director may withhold **Improvement Location Permits** for any **lot** within the **subdivision** until the error or omission is corrected.

3-3-3-8 Appeals

(a) Appeals of Decisions of a Committee of the **Plan Commission**

- (1) A decision of a Committee of the **Commission** may be appealed to the **Plan Commission** by the applicant.
- (2) The applicant may appeal the Committee's action on a **Minor** or **Major Subdivision** within five (5) business days after notice of the disposition has been mailed. If an appeal is filed, it shall be placed on the next available scheduled public hearing of the **Commission** that will allow for notice to interested parties.
- (3) The **Commission** may approve, disapprove, or conditionally approve the **Major** or **Minor Subdivision plat** based on a determination of whether the Committee's decision complied with the requirements of this ordinance.

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(4) The approval or disapproval of the appeal is a final decision of the **Commission** that may be reviewed as provided in I.C. 36-7-4-1016.

(b) Appeals of Decision of the **Plan Commission**

Every final decision of the **Commission** or its designee as set forth in I.C. 36-7-4-715 shall be subject to review as provided in I.C. 36-7-4-1016.

3-3-3-9

Additional **Subdivision** Actions

(a) **Subdivision Plat** Vacation

The **Commission** may approve, approve with **conditions**, or deny a decision to vacate a **Minor** or **Major Subdivision plat**, pursuant to I.C. 36-7-4-711.

(b) Registration of Nonconforming **Metes and Bounds Subdivisions**

- (1) A **metes and bounds subdivision** was legally created prior to February 1, 2008, and that received a registration certificate on or before October 1, 2008, as a lawful nonconforming **metes and bounds subdivision** may be continued to be **subdivided** under the prior A.C.C. 4-1-3-9, as was the case prior to February 1, 2008.
- (2) A **metes and bounds subdivision** that did not receive a registration certificate as a legal **metes and bounds subdivision** on or before October 1, 2008, shall be subject to this ordinance and no further **subdivision** shall occur on the real estate except in strict conformity with this ordinance.
- (3) No nonconforming **metes and bounds subdivision** may be extended beyond the boundaries of the legal description approved in the registration certificate.

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ARTICLE 4 – ADDITIONAL GENERAL STANDARDS

Chapter 1 Purpose

The purpose of this article 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, Airport Overlay Districts**, and floodplain management.

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Chapter 2 Accessory Structures and Uses

3-4-2-1 Residential Accessory Structures and Uses

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) Accessory Structures

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**.

(c) Fence and Wall Standards

(1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) Permitted Materials

All **fences** shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material.

(3) Prohibited Materials

The use of materials such as corrugated or sheet metal, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **residential districts**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the use of spikes, broken glass, barbed wire, razor wire, nails, electric charge or similar materials.

(4) **Swimming Pool** Fencing

Any pool which meets the definition set forth in A.C.C. 3-5-6 shall comply with the residential **swimming pool** safety feature requirements set forth in 675 IAC 14-4.3-296(3). In accordance with and to supplement this section access to a pool shall be restricted by one of the following:

(A) A **wall** or **fence** not less than four (4) feet in height which completely surrounds the pool and **deck** area with the exception of self-closing and latching gates and doors both capable of being locked; or

(B) A rigid power safety pool cover which meets the requirements set forth in 675 IAC 14-4.3-296(3) and which provides a continuous connection between the cover and the **deck**, so as to prohibit access to the pool when the cover is completely drawn over the pool; and shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or a key

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and switch, or a touch pad with a personal access code. All automatic pool covers shall be kept operable and in good working order; such pool covers shall not be operated in ways that create safety or access hazards, such as being permitted to be left open for extended periods of time, or to accumulate large amounts of water on top of the cover; or

- (C) For above ground **swimming pools**, other means not less than four (4) feet high completely surrounding the pool and **deck** area when the pool is not in use that is deemed impenetrable by **DPS** staff at the time of construction.

- (5) Exceptions to Standards

- (A) **Hedge or Retaining Wall**

- A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions as defined herein.

- (B) **Ornamental Fence**

- An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions as defined herein.

- (C) **Agricultural Use Fence**

- Fencing shall be permitted in conjunction with a permitted **agricultural use**. An **open fence** shall be permitted in a required **front yard**, up to four (4) feet in height. The fencing may include barbed wire or electric charge.

- (d) **Accessory Uses**

- See the individual **residential zoning district** sections for the **accessory uses** permitted in that **zoning district**. Staff may also determine that additional **accessory uses** may be permitted.

- (1) **Outdoor Display**

- Outdoor display** as defined herein shall be prohibited except for **yard** and **garage sales**. **Yard, garage**, and similar sales on residential properties may be held up to three (3) times in a calendar year, for up to three (3) days per sale.

- (2) **Outdoor Storage**

- In any **residential district**, the **outdoor storage** of junk, **trash**, and debris as defined herein shall be prohibited. In addition, the **outdoor storage** of the following shall be prohibited:

- (A) Wrecked or dismantled **automobiles**;
 - (B) Home appliances and fixtures such refrigerators, stoves, and sinks; and
 - (C) Indoor furniture.

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(3) Parking and Vehicle **Storage**

(A) Permitted **Automobiles** and **Motor Vehicles**

- (1) In any **residential district**, licensed and operable **automobiles**, vans, motorcycles, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks, and pull-behind trailers up to 100 square feet in size shall only be permitted to be parked in a **driveway** or on an improved surface directly connected to a **driveway**.
- (2) Tractors or similar **motor vehicles** used in conjunction with a permitted **agricultural use**.
- (3) In an A1 **district**, on **parcels** that are over five (5) acres, two of the following **motor vehicles** may be parked outside:
 - (i) **School, religious institution**, or similar buses;
 - (ii) Semi-trailers;
 - (iii) Semi-trucks;
 - (iv) Large pick up or panel trucks (over one ton); and
 - (v) Pull-behind trailers over 100 square feet in size.

(B) Prohibited **Automobiles** and **Motor Vehicles**

The vehicles noted below shall be prohibited to be parked or otherwise stored outside of a public **right-of-way** in **residential districts** unless permitted in (3)(A)(3) above:

- (1) Inoperable or unlicensed **automobiles**, motorcycles, vans, **recreational vehicles**, campers, boats, small (one-ton, panel or pickup) trucks or other similar vehicles;
- (2) **School, religious institution**, or similar buses;
- (3) Semi-trailers;
- (4) Semi-trucks;
- (5) Large pick up or panel trucks (over one ton);
- (6) Pull-behind trailers over 100 square feet in size;
- (7) Tractors or similar **motor vehicles** used in conjunction with a permitted **agricultural use**; and
- (8) Other large commercial vehicles not otherwise listed.

3-4-2-2

Nonresidential Accessory Structures and Uses

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) **Accessory Structures**

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See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**.

(c) **Fence and Wall Standards**

(1) **Purpose**

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) **Permitted Materials**

All **fences** shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material.

(3) **Prohibited Materials**

The use of materials such as corrugated or sheet metal, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **nonresidential districts** abutting a **residential district**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the **use** of barbed wire, broken glass, nails, razor wire, spikes, electric charge or similar materials. For the purposes of this provision, “abutting” shall include any area separated from a **residential district** by an **alley right-of-way**.

(4) **Swimming Pool Fencing**

Commercial, industrial, and other nonresidential **swimming pools** shall be completely surrounded by a **fence, wall, building**, or other enclosure determined acceptable by the **Zoning Administrator**, of not less than six (6) feet in height.

(5) **Exceptions to Standards**

(A) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions as defined herein.

(B) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions as defined herein.

(d) **Accessory Uses**

(1) **Outdoor Display** and Temporary Outdoor Sales

Nonresidential **outdoor display** and temporary outdoor sales shall only be permitted as follows:

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- (A) In C1 and **BTI districts**, **outdoor display** and temporary outdoor sales shall not be permitted;
 - (B) In C2 and NC **districts**, **outdoor display** and temporary outdoor sales shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**;
 - (C) In SC, C3, C4, I1, I2, and I3 **districts**, except for **automobile**, boat, and similar **motor vehicle sales uses**, **outdoor display** and temporary outdoor sales shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; and
 - (D) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces).
- (2) **Permanent Outdoor Sales**
- Permanent outdoor sales** shall only be permitted as follows:
- (A) In C1 and **BTI districts**, **permanent outdoor sales** shall not be permitted;
 - (B) In C2 and NC **districts**, **permanent outdoor sales** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**;
 - (C) In SC, C3, C4, I1, I2, and I3 **districts**, **permanent outdoor sales** shall be permitted within ten (10) feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**; and
 - (D) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces).
- (3) **Outdoor Storage**
- Nonresidential **outdoor storage** shall only be permitted as follows (see Chapter 3-4-8, Landscape Standards, for specific **outdoor storage** landscape provisions):
- (A) In C1 and **BTI districts**, **outdoor storage** shall not be permitted;
 - (B) In C2, NC, SC, C3, and C4 **districts**, **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface;
 - (C) In any commercial or industrial **district**, if over five (5) vehicles are stored outside the vehicle **storage** area shall be screened from **adjacent residential zoning districts** and **public street rights-of-way**; the **outdoor storage** of dismantled vehicles shall be prohibited;
 - (D) In I1 **districts**, **outdoor storage** shall be allowed between the rear of the **building** and the **rear lot line**; the area of the **storage** may be up to the square footage of the **primary structure**;
 - (E) In I2 **districts**, **outdoor storage** shall be allowed between the front **façade** of the **building** and the **rear lot line**;
 - (F) In I3 **districts**, **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line**;

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- (G) **Portable storage containers** used for accessory **outdoor storage**, if used for over 120 days, shall only be permitted in the C3, C4, I1, I2, and I3 **districts**, and shall meet the applicable provisions for **outdoor storage** in this chapter;
- (H) A paved **outdoor storage** area shall have a minimum five (5) feet **setback** from any **lot** line, and a gravel **outdoor storage** area shall have a minimum ten (10) feet **setback** from any **lot** line.

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Chapter 3 Temporary Buildings, Structures and Uses

3-4-3-1 Temporary Accessory Structures

- (a) A temporary **accessory structure** shall be permitted for any universally permitted use, or in a **nonresidential district**, subject to the following standards and requirements:
- (1) A temporary mobile classroom **structure** shall be permitted up to two years;
 - (2) A temporary **storage** or similar **temporary structure**, including a **portable storage container**, shall be permitted up to 90 days without a **Certificate of Use**; if the applicant obtains a **Certificate of Use** then the **structures** may be permitted up to 120 days;
 - (3) If the proposed **structure** requires review under A.C.C. 3-3-2-1 (Site Plan Review), the applicant shall obtain approval of the proposal through that process, prior to the issuance of an **Improvement Location Permit**; and
 - (4) This section shall not apply to temporary construction or sales **structures, mobile food service units**, or tents.
- (b) A temporary storage or similar **structure**, including a **portable storage container**, shall be permitted in a residential **district** for up to 90 days without a **Certificate of Use**; if the applicant obtains a **Certificate of Use** then the **structure** may be permitted up to 120 days.

3-4-3-2 Temporary Special Events

Temporary **special events** shall be permitted as an **accessory use** to any **universally permitted use**. Temporary **special events** shall be permitted up to three (3) times per year, for a period not to exceed thirty (30) days per event. Tents, or other similar **structures** or facilities, shall be permitted in conjunction with the **special event**. An **Improvement Location Permit** shall not be required for a tent or similar **structure** used in connection with a permitted temporary **special event**. Festivals or similar events held in **public parks** or public rights-of-way shall not be considered temporary **special events**.

3-4-3-3 Temporary Construction/Sales Structures

- (a) Construction trailers shall be permitted, provided the project is proceeding with due diligence, until the project is complete. Trailers shall be located in conformance with the **corner visibility** provisions as defined herein.
- (b) A temporary sales/leasing trailer shall be permitted, provided the project is proceeding with due diligence, until the project is complete. If the trailer contains water and/or sewer, it shall be required to be reviewed and approved through the Site Plan Review process.
- (c) No permit shall be required for an on-site trailer if no water and sewer connections are requested; if the trailer is to be placed off-site, or if water and sanitary sewer connections are requested, then the **structure** shall be reviewed through the Site Plan Review process.

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3-4-3-4

Mobile Food Service Units

- (a) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, I1, I2, or I3 **district**, and a permitted **accessory use** to an institutional **building** in any **zoning district**. The unit shall be allowed on a site up to five (5) times in a twelve (12) month period, for up to five (5) days per event. If the unit is located in a **public park** as part of a festival or similar event or is located within a public **right-of-way**, there shall be no limit on the number of times the unit shall be allowed. Any unit located outside of a public **right-of-way** shall meet the **primary building setbacks**. No **Improvement Location Permit** or **Certificate of Compliance** shall be required.
- (b) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, I1, I2, or I3 **district**, beyond the limits listed in A.C.C. 3-4-3-4 (a) above, for up to four (4) months in a twelve (12) month period; however, an **Improvement Location Permit** or Site Plan Review, as applicable to the specific request, shall be required for the **use**.

3-4-3-5

Temporary Tents

The following standards shall apply to the placement of temporary tents; a temporary tent shall only be permitted on a **lot** with an existing **primary building**, and shall only be permitted for a use that is permitted in the **district** where the tent is to be located.

- (a) In **residential districts** a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event; or
- (b) In **nonresidential districts**, a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to thirty (30) days per event.

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Chapter 4 Development Design Standards

3-4-4-1 Purpose

The purpose of this chapter is to:

- (a) Mitigate potential adverse impacts of proposed **development** on surrounding areas, and particularly residential neighborhoods;
- (b) Accommodate required **infrastructure** and public services;
- (c) Promote the efficient provision of public services; and
- (d) Promote efficient transportation and circulation networks.

3-4-4-2 Applicability

All Development Plans, Site Plan Reviews, and **Subdivisions** shall comply with each of the standards shown in the table below.

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	A.C.C.	DP	SP	MJS	MNS
Access	3-4-4-4	✓	✓	✓	✓
Airport overlay districts	3-4-4-5	✓	✓	✓	✓
Block layout	3-4-4-6			✓	✓
Easements	3-4-4-7	✓	✓	✓	✓
Floodplain	3-4-4-8	✓	✓	✓	✓
Landscape standards	3-4-4-9	✓	✓		
Lot standards	3-4-4-10			✓	✓
Natural site features	3-4-4-11	✓		✓	✓
Open space and recreation amenities	3-4-4-12			✓	
Parking	3-4-4-13	✓	✓		
Pedestrian circulation	3-4-4-14	✓	✓	✓	
Residential impact mitigation	3-4-4-15	✓	✓		
Sanitary sewer	3-4-4-16	✓	✓	✓	✓
Signs	3-4-4-17	✓	✓	✓	✓
Site lighting	3-4-4-18	✓	✓		
Storm drainage	3-4-4-19	✓	✓	✓	✓
Street lighting	3-4-4-20			✓	✓
Vehicle circulation and streets	3-4-4-21	✓	✓	✓	✓
Water	3-4-4-22	✓	✓	✓	✓
Zoning district standards	3-4-4-23	✓	✓	✓	✓
<ul style="list-style-type: none"> • Building Separation • Building Size • Number of Buildings on a Lot • Height • Lot Area and Width • Yard Requirements • Zoning Overlay Districts 					
KEY					
DP = Development Plan	SP = Site Plan	MJS = Major Subdivision	MNS = Minor Subdivision	✓ = Standard is applicable	

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3-4-4-3

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.

3-4-4-4

Access

(a) 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**.

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

- (1) Each **lot** in the **Major Subdivision** shall only have internal access to a new public **street** platted as part of the proposed subdivision. No **lot** shall access an existing **arterial, collector, or local street**.
- (2) 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.
- (3) 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 two hundred (200) 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.

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

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

3-4-4-5

Airport Overlay Districts

All **development** proposals shall also be subject to the applicable provisions of the **Airport Overlay Districts** as set forth in A.C.C. 3-4-11.

3-4-4-6

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.

3-4-4-7

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, parcels, and developments**. **Easement** widths and locations shall be shown.

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3-4-4-8 Floodplain

All proposed **buildings, structures, and site development** located within a Special **Flood Hazard Area** shall also comply with the applicable Floodplain regulations as set forth in A.C.C. 3-4-12.

3-4-4-9 Landscape Standards

All **development** shall comply with the landscaping, screening, and buffering standards applicable to that **development** as set forth in Chapter 8. When **development** other than a single **family or two family dwelling** occurs on a **lot adjacent** to a **residential zoning district**, the additional landscaping, screening, and buffering requirements in A.C.C. 3-4-4-15 shall apply.

3-4-4-10 Lot Standards

(a) Minor and **Major Subdivision** Standards

(1) **Corner Lots**

If Minor or **Major subdivision lots** are created that front on more than one intersecting **street (corner lots)** and one or more of those **streets** is an **arterial street, collector street** or limited access highway as shown in the latest adopted **County** transportation or **street** plan, access to each **corner lot** shall only be permitted from a local or interior **street**, unless otherwise approved by the **Plan Commission**. The **Commission** shall not approve a request for alternative access unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

- (A) Granting approval will not be detrimental to the public health, safety, or welfare, or injurious to other properties.
- (B) The **conditions** upon which the request is based are unique to the property for which the request is sought, and are not applicable generally to other properties.
- (C) Because of the particular physical surroundings, shape, or topographical **conditions** of the specific property involved, a particular hardship to the **owner** would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(2) **Double Frontage Lots**

Major Subdivision lots shall not be created with two opposite **lots** lines both facing a **public street (double frontage lots)** unless:

- (A) The depth of each **double frontage lot** is at least 150 feet; it is intended that a **double frontage lot** be deeper than the **lots** directly across the interior **street** from the **double frontage lot**. Alternatively, the **lots** may be separated from the exterior higher volume **street** by a **common area** of not less than fifteen (15) feet; and
- (B) Access to each **double frontage lot** is only permitted from the interior, **local street**.

(3) **Side Lot Lines**

Side lot lines generally shall be at right angles to straight **street right-of-way** lines and radial to curved **street right-of-way** lines.

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3-4-4-11

Natural Site Features

(a) General Standards

The location and nature of existing **significant** natural site features should be considered by the applicant in the planning and design of site **development** and should be avoided or preserved where possible.

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

- (1) All **Major Subdivisions** should be located and designed to avoid the inclusion of **significant natural features** in individual **building lots** and to incorporate those features into common open spaces for the benefit of **subdivision** residents where possible.
- (2) The **Commission** shall have the authority to approve **Major Subdivision lots** with up to ten (10) percent less **lot** area than the minimum required for the **zoning district** where the property is located if **significant natural features** are preserved, to allow for the **platting** of the same number of **lots** permitted by the minimum **lot** area required for that **zoning district** provided that title to the land containing those features is transferred to a homeowners' association or other entity responsible for their management under terms that will not allow the future **development** of the land on which the natural features are located.

3-4-4-12

Open Space and Recreation Amenities

There shall be no open/**recreation space** standards for single **family** residential **subdivisions**.

3-4-4-13

Parking

All **development** shall comply with the parking standards applicable to that **development** as set forth in A.C.C. 3-4-7.

3-4-4-14

Pedestrian Circulation

(a) General Standards

- (1) Internal pedestrian walkways shall be constructed to provide connections to existing abutting sidewalks and trails, and from **primary building** entrances to required and existing sidewalks and trails.
- (2) Construction of all required sidewalks shall occur prior to the issuance of a **Certificate of Compliance** for any **primary building**.
- (3) Where a plan showing specific trail locations has been adopted as an amendment to the **Comprehensive Plan** and the plan shows a **multi-use trail** in a location where a sidewalk would otherwise be required, if engineering plans have been approved for the trail, a **multi-use trail** shall be constructed instead.
- (4) If the proposed roadway is to be dedicated to Allen **County**, the design shall comply with the requirements of the Americans with Disabilities Act, including but not limited to the Public **Right-of-Way** Accessibility Guidelines.

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(b) Additional Standards Applicable to Development Plans and Site Plans

- (1) Unless determined to be unnecessary due to existing **conditions** or determined to be impractical due to engineering constraints by the **County Highway Department**, sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the Development Plan or Site Plan **development site** if:
 - (A) The **development site** (including all **development** proposed as part of a Primary Development Plan since April 4, 2014) contains twenty-five (25) **dwelling** units or more, or contains 25,000 square feet of nonresidential **gross floor area** or more, or both; or
 - (B) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **development site** with **frontage** on that adjoining **street**.
- (2) Where the Development Plan or Site Plan **development site** includes multiple **buildings** on a single **lot** or on **adjacent lots**, internal pedestrian walkways shall be provided to provide connections between the **primary building** entrances of all **primary buildings**.
- (3) Sidewalks shall not be required for outdoor eating/drinking/smoking area Site Plan Review projects.

(c) Additional Standards Applicable to **Major Subdivisions**

- (1) Sidewalks a minimum of five (5) feet in width shall be constructed to **County** standards and specifications on each side of all internal **streets** within a **Major Subdivision**, except as provided in subsection (d) below.
- (2) Sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Major Subdivision** if:
 - (A) The **Major Subdivision** (including previous or proposed later phases of the proposed **development**) contains twenty-five (25) residential **lots** or more; or
 - (B) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **subdivision** with **frontage** on that adjoining **street**.

(d) Exceptions

The following exceptions shall apply unless the excluded sidewalk is required as part of a Safe Routes to **School** plan approved by the **Board of Commissioners**.

- (1) Sidewalks shall not be required in **subdivisions** where the average **lot** size is 22,000 square feet and no **lot** size is less than 15,000 square feet.
- (2) Sidewalks shall only be required on one side of any **subdivision cul-de-sac street** if each **lot** with **frontage** on that cul-de-sac has an alternative walkway or trail located either in **common area** or within the **right-of-way** of an **arterial or collector street adjacent** to said **lots**.

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- (3) Sidewalks a minimum of five (5) feet in width shall only be required on one side of each **street** in **subdivisions** located in the **BTI (Business, Technology, and Industrial Park)**, I1 (Limited Industrial), I2 (General Industrial), or I3 (Intensive Industrial) **zoning districts**.

3-4-4-15 Residential Impact **Mitigation**

All **development** must comply with the landscaping, screening, and buffering requirements in Chapter 8. To provide additional buffering and **mitigation** for residential **uses**, if proposed **development** on a **lot** or **parcel adjacent** to an A1, A3, R1, R2, R3, MHS, or MHP **zoning district** includes **development** other than a single **family** or **two family dwelling**, the plan shall comply with the following additional standards.

- (a) **Additional Height Standards**

No primary **buildings** or **structures** exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district**.

- (b) **Landscaping, Screening and Buffering**

- (1) **Outdoor display** or **storage** areas, including vehicle **storage** areas and **drive-through** lanes shall meet the minimum **primary building setback**.
- (2) If the **mitigation** requirements of this A.C.C. 3-4-4-15 conflict with the screening and buffering requirements of Chapter 8, the standard requiring more screening and buffering shall apply.

3-4-4-16 Sanitary Sewer

- (a) **Major Subdivisions** and Development Plans

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

- (b) **Minor Subdivision**

- (1) If the **Minor Subdivision** will not be connected to a sanitary sewer system of a sewage disposal provider that holds a certificate of territorial authority issued by the Indiana Utility Regulatory **Commission**, authorizing such sewage disposal service for the area in which the **Minor Subdivision** is located, all on-site disposals must be in conformity with the regulations of, and approved by, the local and state departments of health. Individual **on-site sewage systems** shall be located entirely on the **lot** that is being served by the system.
- (2) The applicant will delineate an **on-site sewage system suitability zone** for each proposed **lot** within the **Minor Subdivision**. This zone will be a minimum 7,200 square feet in area and include a minimum of four (4) locations where soil tests have been performed. The Fort Wayne – Allen **County Department of Health** will review the submitted information for suitability along with consideration of topography, location and proposed **easements**.
- (3) Each **on-site sewage system suitability zone** will be located a minimum of twenty-five (25) feet from any **lot line**.

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- (4) In areas not served by public or other approved community sewage facilities, the minimum **lot** areas required by this ordinance shall be increased to include any additional area deemed necessary by all state or local departments of health to insure adequate sewage disposal.

(c) Site Plan

Sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed development.

3-4-4-17

Signs

All **development** shall comply with the **sign** regulations applicable to that **zoning district** and type of **development** as set forth in A.C.C. 3-4-9.

3-4-4-18

Site Lighting

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

(a) Exceptions

The following types of lighting are not subject to the requirements of this A.C.C. 3-4-4-18:

- (1) **Public street** and **right-of-way** lighting;
- (2) Lighting required and regulated by the **Federal Aviation Administration**;
- (3) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **County** ordinance, requires special lighting aesthetics as part of its physical character;
- (4) Lighting for outdoor recreational **uses** such as ball diamonds, playing fields, **tennis courts** and similar **uses**, provided that light poles are not more than 40 feet tall, and the maximum illumination at the property line is not brighter than zero foot-candles;
- (5) Temporary decorative seasonal lighting;
- (6) Temporary lighting for emergency or nighttime work and construction; and
- (7) Temporary lighting for theatrical, television and performance areas, or for special public events.

(b) Standards

All exterior lighting shall meet the following design standards:

- (1) Any freestanding or **wall** pack light source or lamp shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) **full-cutoff** style fixture to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.
- (2) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.

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- (3) The maximum height of any lighting pole serving a residential **use** is 25 feet. The maximum height serving any other type of **use** is 35 feet, except that the maximum height of any pole located within 50 feet of an A, R, or MH **district** shall be 25 feet.
- (4) Lighting on **gas stations, convenience stores** and other outdoor **canopies** shall be fully recessed into the **canopy** and shall not protrude downward beyond the ceiling of the **canopy**.

3-4-4-19 Storm Drainage

Storm drainage facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

3-4-4-20 Street Lighting

- (a) In **Major Subdivisions, public street** lighting shall be provided as follows:
 - (1) One (1) light at each entrance to the **subdivision** from a **collector** or **arterial street**.
 - (2) Except in the A1 and A3 **zoning districts**, one (1) light at the head of each **cul-de-sac street**.
 - (3) Except in the A1 and A3 **zoning districts**, one (1) light at each intersection of the **Major Subdivision street** system.
- (b) In **Minor Subdivisions**, one (1) light shall be provided at the primary entrance to the subdivision.

3-4-4-21 Vehicle Circulation and Streets

- (a) Consistency with Transportation Plan

The design and layout of the **street** system shall be consistent with the latest **County** adopted Transportation Plan.

- (b) Construction Standards

The construction of **streets** shall comply with all applicable **County street** construction standards, including but not limited to **County** standards for minimum **street** widths, intersection and/or roundabout design, **street** alignments, curve radii and tangents, **street** grades and grading, types and qualities of construction materials.

- (c) **Private Streets**

The **Commission** may approve a **private street** in a major or **minor plat** provided all of the following **conditions** are satisfied:

- (1) Restrictive covenants, a written **commitment**, or other necessary document(s) running with the land, shall be recorded in such form as is approved by the **Commission** to clearly state of record each of the following provisions:
 - (A) The **Board of Commissioners** shall not be obligated to accept a public dedication, deed, or any other **conveyance** of such **private street**;
 - (B) The Allen **County** Highway Department shall not be obligated to maintain or repair the **street**, or accept it into the Allen **County** Highway Maintenance Program;

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- (C) A legally formed community association comprised of all **owners of lots** in the **subdivision**, as well as each such **owner** individually, shall be jointly and severally obligated to maintain and repair each **private street** in the **subdivision**;
 - (D) The **subdivision's** community association and all **owners of lots** in the **subdivision** shall jointly and severally indemnify and hold harmless Allen **County**, Indiana, the **Board** and the **Commission**, against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving the design, construction, **use**, or maintenance of a **private street** in the **subdivision**; and
 - (E) While the **use** of a **private street** may be restricted to **owners of lots** in the **subdivision**, or their invitees and licensees, an express **easement** shall be granted to public and quasi-public agencies for **use** of such **streets** by emergency, utility, **school** vehicles and personnel, and for any other purpose the **Commission** reasonably believes is necessary or appropriate.
- (2) Title to each **private street** in the **subdivision** shall be properly **conveyed** by warranty deed to the **subdivision's** community association.
 - (3) Evidence of the legal formation of the **subdivision's** community association shall be recorded.
 - (4) A maintenance **bond**, with coverage comparable to that required for **public streets**, for the benefit of the **subdivision's** community association and **lot owners**, shall be provided by the **developer** of the **subdivision**, if the **commission** finds such a **bond** is necessary.
 - (5) A **private street** shall satisfy all applicable Allen **County public street** design and construction standards unless any of the following is modified by the Highway Department because of topography or other engineering considerations:
 - (A) Minimum **right-of-way**;
 - (B) Minimum pavement width;
 - (C) Circular turn-around (cul-de-sac); or
 - (D) Curb and gutter.
 - (6) The **commission** may limit the number of residences which may be located on **lots** with **frontage** on a **private street** for which a modification is approved by the **Commission**.
- (d) **Alleys**

Alleys with a minimum **right-of-way** width of twenty (20) feet may be required in all commercial, and industrial **districts**. Except where justified by unusual **conditions**, **alleys** shall not be permitted in **residential districts**.
 - (e) Continuation of **Streets, Alleys and Easements**

Wherever a dedicated or platted portion of a **street** or **alley** or **easement** exists adjoining to the proposed **Subdivision** or Development Plan, the continuation of the **street, alley,**

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or **easement right-of-way** at the same width shall be shown on the proposed **Subdivision plat** or Development Plan.

(f) **Cul-de-sac Streets**

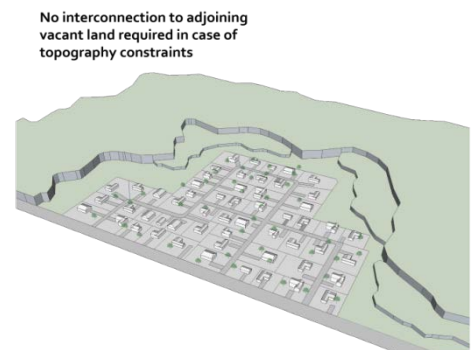
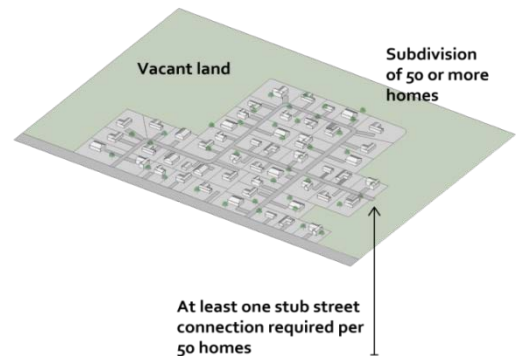
- (1) No **cul-de-sac street** shall be permitted where it would be in conflict with the latest **County** adopted Transportation Plan.
- (2) Cul-de-sacs shall not exceed eight-hundred (800) feet in length, except that the **Commission** may allow a length of up to 1,320 feet if the presence of natural site features (creeks, drains, floodplain, **rivers, wetlands**, or **significant** grade changes) makes it impractical to provide additional or alternate access.
- (3) A **cul-de-sac street** shall terminate in a circular **right-of-way** (cul-de-sac) meeting the **County's** design and construction standards.
- (4) Unless determined to be unnecessary by the **Commission**, a temporary dead-end **street** shall be required where a **Major Subdivision** or Development Plan shows that the **street** should be extended to conform to the provisions of this ordinance. A circular **right-of-way** in excess of the required **street right-of-way** at the termination of such temporary dead-end **street** may be required by the **Commission**.

(g) **Interconnection**

(1) **Development Plans**

All public and private **streets** in Development Plans shall:

- (A) Be aligned to join with planned or existing public and private **streets** (including stub **streets**) on adjoining **parcels**, and
- (B) Provide future access to and from the proposed **development** within the Primary Development Plan to any adjoining vacant **parcels** of land, unless the **Plan Commission** determines at the time of the Primary Development Plan approval that the interconnection is impracticable due to site or topography constraints. All access **streets** shall be paved to the property line at the time of **development**.



(2) **Major Subdivisions**

All **streets** in **Major Subdivisions** shall:

- (A) Be aligned to join with planned or existing **streets** (including stub **streets**) on adjoining **parcels**, and

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(B) Provide stub **streets** to allow at least one future access to adjoining vacant **parcels** of land per 50 **lots** (or part thereof) in the proposed **Major Subdivision**, unless the **Plan Commission** determines at the time of Primary Development Plan or **Subdivision** approval that the interconnection is impracticable due to site or topography constraints. All stub or other access **streets** shall be paved to the property line at the time of **development**.

(3) **Minor Subdivisions**

No **Minor Subdivision** may provide an interconnection to more than one other **Minor Subdivision**, such that the two (2) **Minor Subdivisions** share a single point of access to a **public street**.

(h) **School Bus Access**

Each **Major Subdivision** or Development Plan containing over sixty (60) **lots** shall include an internal loop **street** system allowing **school** busses to access the **subdivision**, circulate, and return to an access point to a **local, collector, or arterial street** adjoining the **Major Subdivision** or Development Plan **development site** without turning around or backing up. The **Plan Commission** may permit alternative **street** system provisions allowing for internal bus access if those provisions have been approved by the applicable **school district**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** or Development Plan shall be considered together.

(i) **Street Names**

- (1) The name of any **street, road, drive, or avenue** already in **use** or established by **plat** anywhere in Allen **County** shall not be used in any new **development** except in the case of a direct extension of the existing **street, road, drive, or avenue** of the same name.
- (2) No name of a **street, road, drive, or avenue** shall include the word north, south, east or west, unless it denotes a geographic location.

3-4-4-22

Water

(a) **Major Subdivisions**

The **developer** of each **Major Subdivision** shall install or cause to be installed a water system by one of the following methods:

(1) **Public System**

Public water facilities shall be provided to serve the proposed **development**; or

(2) **Individual Supply**

If the applicant submits acceptable evidence to the **Plan Commission** that a public water supply system is not necessary due to the low density of the **development**, the lack of limiting physical site **conditions**, and/or the distance between the **Major Subdivision** and existing or planned public water systems; then the **Commission** may permit an individual water supply on each **lot**.

(b) **Minor Subdivisions**

Each **developer** of a **Minor Subdivision** shall install or cause to be installed one of the following, meeting the standards of the applicable authority:

- (1) A public water system; or

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(2) Individual wells to serve each **lot**.

(c) Development Plans and Site Plans

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

3-4-4-23

Zoning District Standards

(a) **Building Separation**

All **buildings** and **structures** shall comply with the applicable **building** separation standards for the **zoning district** in which they are located, as set forth in A.C.C. 3-2-8 and 3-2-11.

(b) **Building Size**

All residential **buildings** shall comply with the applicable **building** size standards for the **zoning district** in which they are located, as set forth in A.C.C. 3-2-3 through 3-2-11.

(c) Number of **Buildings** on a **Lot**

All residential **developments** shall comply with the applicable **building** number limitations for the **zoning district** in which they are located, as set forth in 3-2-3 through 3-2-11.

(d) Height

(1) All **buildings** and **structures** shall comply with the height standards for the **zoning district** in which they are located, as set forth in A.C.C. 3-2-3 through 3-2-24.

(2) In addition, when **development** other than a single **family** or **two family dwelling** occurs on a **lot** adjoining an A1, A3, R1, R2, R3, MHP, or MHS **zoning district**, the height standards in A.C.C. 3-4-4-15 shall apply.

(e) **Lot Area and Width**

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 A.C.C. 3-2-3 through 3-2-11.

(f) **Yard Requirements**

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in A.C.C. 3-2-3 through 3-2-24.

(g) 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 A.C.C. 3-4-11 (**Airport Overlay Districts**) and 3-4-12 (Floodplain).

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Chapter 5 Development Standards Waivers and Exceptions

3-4-5-1 Subdivisions

(a) Minor Subdivisions

No **waiver** of design and **development** standards is permitted on an application for **Minor Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to A.C.C. 3-5-3-5.

(b) Major Subdivisions

No **waiver** of design and **development** standards is permitted on an application for **Major Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to A.C.C. 3-5-3-5, except that the **Plan Commission** may allow a reduced **rear yard setback** of no less than 15 feet for **lots** that are **adjacent** to **common area**.

3-4-5-2 Development Plans

The following shall apply to **waivers** to design and **development** standards on Development Plans.

(a) Authority

Pursuant to I.C. 36-7-1402(b)(4), the **Plan Commission** may waive a design or **development** standard listed in A.C.C. 3-4-4-3 through 3-4-4-23, except as set forth in subsection (b) below, based on the criteria in subsection (c) below.

(b) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the variance process described in A.C.C. 3-5-3-5.

(1) Residential impact **mitigation** standards in A.C.C. 3-4-4-15.

(c) Criteria

Except for the standards listed in A.C.C. 3-4-5-2(b) above, the **Commission** may waive or adjust design and **development** standards as part of its approval of a Primary or Secondary Development Plan if it determines in writing that:

- (1) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the **Comprehensive Plan**;
- (2) The applicant has submitted adequate evidence to demonstrate that the requested **waiver** or modification will not have a **significant** impact on contiguous residential properties; and
- (3) The failure to grant the requested **waiver** would result in either **significant** economic injury that is not self-created, or in the lack of feasible alternatives in the **use** of the property.

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3-4-5-3

Height Standards Exceptions

Except within the **Airport Overlay District** areas, the following **buildings** or **structures** shall be exempt from the height limitations herein (however, no **building** or **structure** shall provide additional inhabitable floor space above the height limit):

- (a) **Amateur radio towers**/antennae (freestanding or **building** mounted);
- (b) Chimneys;
- (c) Fire or parapet **walls**;
- (d) Flagpoles;
- (e) Grain elevators;
- (f) Industrial installation requiring a vertical production procedure such as a steel mill;
- (g) Silos;
- (h) Skylights;
- (i) Smokestacks;
- (j) Stairways;
- (k) **Steeples**;
- (l) Television aerials (residential), including radio antennae (freestanding or **building** mounted);
- (m) Uninhabited **structures** for the housing of elevators or mechanical equipment;
- (n) Water tanks (**building** mounted); or
- (o) Water towers.

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Chapter 6 Home Occupations

3-4-6-1 Home Occupation Standards

To be considered a **home occupation**, a proposed **use** shall comply with all of the following:

- (a) The **home occupation** shall be operated only by residents of the **dwelling**; no outside employees shall be permitted;
- (b) The **home occupation** shall be conducted entirely within the **dwelling** unit. No **home occupation** shall be operated from a detached **accessory structure** or **garage**;
- (c) The **home occupation** shall not display or create any external evidence of the operation of the occupation except that a single vehicle, used in conjunction with the occupation, may be parked outside and may display advertising or a logo. In addition, signage shall be permitted as set forth in A.C.C. 3-4-9;
- (d) A **home occupation** shall be permitted in a single **family**, two **family**, or **multiple family dwelling** unit; and
- (e) Clients or customers are not permitted to come to the home, and retail sales shall not be permitted to take place on the property.

3-4-6-2 Permitted Home Occupations

Permitted **home occupations** shall include but not be limited to the following (provided that no clients or customers come to the **dwelling** unit):

- (a) **Personal service uses**;
- (b) **Professional office/business service uses**;
- (c) Limited assembly of products or components of products; and
- (d) Limited production of products or components of products.

3-4-6-3 Prohibited Home Occupations

Prohibited **home occupations** shall include but not be limited to **automobile** mechanical or body repair (other than routine maintenance and minor repair of personal **motor vehicles** titled to the occupants of the property), or **automobile detailing**.

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Chapter 7 Parking

3-4-7-1 Purpose

The purpose of this chapter is to establish standards for the provision of adequate off-street parking facilities, including standards for bicycle facilities and **parking structures**, for permitted or approved residential, commercial, mixed-use, industrial and other **nonresidential uses**.

3-4-7-2 Applicability

The minimum off-street parking requirements of this chapter shall apply to any new freestanding **building** or **use**, except for the excluded **uses** in A.C.C. 3-4-7-4(a)(4). In cases where a **building addition** of over 50% of the **gross floor area** of an existing **primary building** or displaces existing **parking spaces**, the current parking provisions shall also be reviewed by **DPS** staff to see if additional parking should be provided. This review shall consider the existing number of **parking spaces** provided, the ability to provide additional on-site parking, and the availability of additional parking in the immediate area.

3-4-7-3 General Parking Standards

(a) Location On-Site Required

All **parking spaces** required by this chapter shall be provided on the same **lot, tract** or **development site** as the **building, structure, or use** for which the spaces are required, except in the case of **off-site parking areas** for **religious institutions** or **school uses**, where the **lot** is either under the same ownership or operates under an executed agreement allowing for its **use** and is directly across an **alley right-of-way** from the **primary use**.

(b) Parking Area Location Standards

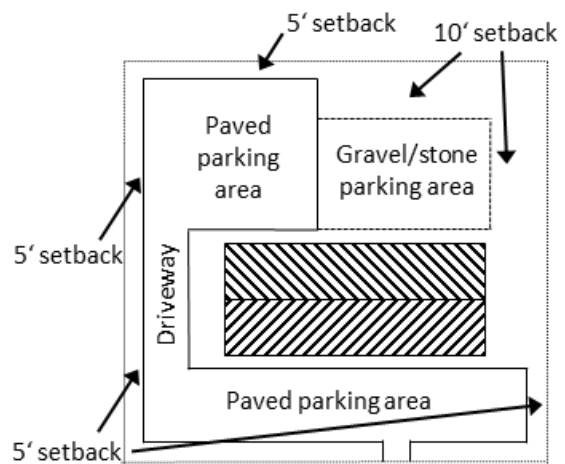
(1) Any area used for off-street public or employee parking, including internal **driveways** and driving lanes, shall meet the following standards, except for:

(A) **Driveways** or driving lanes that provide direct access between the **parking area** and a public or **private street**; and

(B) Any single or two **family residential driveway** or **parking area** that does not meet the definition of “public **parking area**.”

(2) Paved areas shall be located a minimum of five (5) feet from any **lot line**.

(3) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.



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- (c) Compliance with the Americans with Disabilities Act

The design and construction of all new off-street **parking areas** shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

- (d) Maintenance

Off-street parking spaces and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

3-4-7-4

Minimum Off-Street Parking Requirements

- (a) General Requirement

- (1) Where applicable and required, off-street **parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to A.C.C. 3-4-7-4(b).
- (2) For **uses** that require off-street stacking spaces, additional stacking space may be required as part of the approval of a Development Plan if the **Plan Commission** determines that they are necessary for traffic safety purposes.
- (3) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a **multiple family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-street parking requirements.
- (4) The following **uses** shall not have a minimum off-street parking requirement:
 - (A) **Airport;**
 - (B) **Community garden;**
 - (C) **Cemetery;**
 - (D) **Fairground;**
 - (E) **Hospital;**
 - (F) **Nature preserve;**
 - (G) **Religious institution;** and
 - (H) **School.**

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MINIMUM OFF-STREET PARKING REQUIREMENTS	
(see the table below for specific use additional stacking space standards)	
Use	Parking Standard (spaces per measurement type)
Animal service	1 per 400 square feet
Assisted living facility	1 per 3 sleeping rooms
Athletic field (indoor)	1 per 6 seats
Athletic field (outdoor)	30 per field
Auditorium	1 per 400 square feet
Automobile service	1 per 400 square feet
Bed and breakfast	1 per sleeping room
Business service	1 per 400 square feet
Campus housing (off-site)	1 per 3 sleeping rooms
Educational institution (business school, college, medical training, university, or similar post-secondary use)	1 per 400 square feet
Golf course	4 per golf hole
Group residential facility	1 per 3 sleeping rooms
Hotel	1 per sleeping room
Industrial	1 per 1,000 square feet, or 1 per employee at largest shift (whichever is less; however, a minimum of 3 spaces shall be provided)
Instruction/training	1 per 400 square feet
Library	1 per 400 square feet
Live-work unit	1 per 400 square feet
Medical office	1 per 400 square feet
Mixed-use project (uses with different parking requirements)	The greatest number of spaces required by any individual use
Motel	1 per sleeping room
Multiple family	1 per 1-2 bedroom dwelling unit 2 per 3+ bedroom dwelling unit
Multiple tenant nonresidential building	1 per 400 square feet (regardless of individual uses)
Museum	1 per 400 square feet
Nursing home	1 per 3 sleeping rooms
Personal service	1 per 400 square feet
Professional office	1 per 400 square feet
Recreation/tourism, limited	1 per 400 square feet
Recreation, general	1 per 400 square feet, plus 1 per 400 square feet of developed outdoor facilities
Restaurant	1 per 400 square feet
Retail	1 per 400 square feet
Retirement facility	1 per dwelling unit
Self-storage	1 per 400 square feet of office
Single family	2 per dwelling unit
Stadium/racetrack	1 per 6 seats
Studio	1 per 400 square feet
Theater (indoor)	1 per 6 seats
Two family	1 per dwelling unit

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STACKING SPACE PROVISIONS	
Proposed Use	Stacking Standard (spaces per measurement type)
Automatic teller machine	2 per drive-through lane
Bank	2 per drive-through lane
Car wash	6 per automatic washing bay 1 per manual washing bay
Drug store/pharmacy	2 per point of sale (payment) window
Restaurant	4 per point of sale (payment) window
Other retail use with accessory drive-through facility	2 per point of sale (payment) window

(b) Credits

To allow for flexibility in the **County's** nonresidential **zoning districts** (C1 through C4, SC, NC, **BTI**, and I1 through I3) and in order to accomplish the **Comprehensive Plan's** objectives of urban revitalization, enhancing the pedestrian environment, and encouraging the use of transit, **parking space** credits shall be allowed for **nonresidential uses** in these **districts** as set forth below:

- (1) On-street **parking spaces** directly in front of and to the side of the **lot, tract, or development site** where the proposed or existing **use** is located may be counted towards satisfying the minimum off-street parking requirements.
- (2) One (1) required off-street **parking space** for each on-site bicycle rack (a rack must store a minimum of four (4) bicycles), up to two (2) % of the total parking requirement.
- (3) If access to public transit is located within 400 feet of the **lot, tract, or development site** where the proposed or existing **use** is located, this may serve in lieu of one (1) required off-street **parking space**.
- (4) If construction techniques such as pervious pavement, block and concrete modular pavers, and grid pavers are used for off-street parking surfaces, each space provided as a result may serve in lieu of two (2) required off-street **parking spaces**, up to a maximum of ten (10) % of the number of required spaces.

3-4-7-5 Parking **Lot** Improvement Standards

(a) Highway Department Standards

All land used for off-street parking and all **driveways** serving **parking areas**, whether required by this ordinance or provided voluntarily, shall comply with those minimum standards and specifications for paving, surfacing, and drainage established by the **County** Highway Department. In the event of any inconsistency between those standards and specifications and the requirements of this ordinance, the **County** Highway Department standards and specifications shall apply.

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(b) Paving and Drainage

- (1) All land used for off-street parking and all **driveways** serving parking, delivery, and loading areas, shall be paved with asphalt, concrete, pervious pavement (which may include block, concrete, similar modular pavers, and grid pavers), or other approved all-weather hard surfaces, and shall be drained with materials and in a manner that meets the current minimum standards and specifications for **parking areas** adopted by the **County Highway Department**, except as provided in A.C.C. 3-4-7-5(b)(2) below.
- (2) In industrial **zoning districts**, **parking areas** that are provided in addition to the minimum number of spaces required as set forth in A.C.C. 3-4-7-4 shall not be required to be paved, but may have a gravel surface that meets the current minimum standards and specifications for **parking areas** adopted by the Highway Department.

(c) Curbing

All off-street **parking areas** shall have curbing or other acceptable elements around the perimeter of the **parking area** at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, **streets**, **alleys** or sidewalks or landscape areas.

(d) Single and **Two Family Dwellings**

The standards in A.C.C. 3-4-7-5(a), (b), and (c) above shall not apply to single and **two family dwellings**. However, the parking, **storage**, or display of **motor vehicles** on grass or other similar areas that do not have a paved or gravel surface shall not be permitted on any property.

(e) Parking **Lot** Landscaping, Screening, and Buffering

Landscaping, screening, and buffering of off-street **parking areas** shall be provided to meet the requirements of A.C.C. 3-4-8.

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Chapter 8 Landscape Standards

3-4-8-1 Purpose

The purpose of this chapter is to establish standards to provide adequate landscaping and screening and buffering between **buildings, structures, parking areas, driveways, and outdoor activity areas** and **adjacent uses, structures, public alleys, and streets**. The objectives of these standards are 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** and the surrounding area.

3-4-8-2 Applicability

- (a) The requirements in this A.C.C. 3-4-8 shall apply to all requests for approval of a Primary or Secondary Development Plan, Site Plan Review, certain **Improvement Location Permits** (including permits for new **outdoor activity areas**), and parking **lot** permits.
- (b) These standards shall also apply to the creation of a nonresidential **outlot** from an existing **parking area**.
- (c) The **Board of Zoning Appeals** and Hearing Officer may also consider and use these standards as **conditions** for the approval of applications.
- (d) If this A.C.C. 3-4-8 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening.
- (e) If there are multiple screening or buffering standards in the same area (for example, both a **building** and a **parking area**, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.
- (f) New outdoor eating/drinking/smoking areas shall always provide a **solid fence** to screen the area from any **adjacent residential district**.

3-4-8-3 Landscape Plan

A landscape plan shall be submitted to show conformance with this A.C.C. 3-4-8. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 5) and shall be in a format and with supporting information as established by the **Plan Commission**.

3-4-8-4 Standards and Requirements

- (a) General Standards and Requirements
 - (1) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this Chapter. Existing trees intended to be preserved in order to meet the requirements of this

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Chapter shall be protected during the construction of the project through the erection of a **fence** around the drip line of the tree.

(2) **Location of Screening and Buffering Materials**

Screening and buffering materials may be located either on the **lot line**, adjoining or within a **parking area**, or adjoining a **building**; however, screening and buffering plants and fencing may be located within a **utility easement** only if there is no conflict created with either existing or proposed utility facilities.

(3) **Parking Area Landscape Standards Applicability**

The edge buffering requirements A.C.C. 3-4-8-4(b) and the interior parking **lot** landscaping requirements in A.C.C. 3-4-8-5 shall be applicable to the following:

- (A) All new primary or accessory **parking areas**, but not to any pervious paver **parking areas** provided in addition to required parking;
- (B) Any **addition** to an existing **lot** that increases the number of spaces by more than 25 or the **parking area** by more than 8,000 square feet, but increases the overall area of the **lot** by less than 50%, shall have the landscape standards applied to the additional **lot** areas only. An **addition** of less than 25 spaces and less than 8,000 square feet shall not require landscaping for the expansion area; and
- (C) Any **addition** to an existing **lot** that increases the overall **lot** area by over 50% shall have the perimeter **parking area** landscape standards (Code P-1, P-2 or P-3 as applicable) applied to the entire **lot** perimeter.

(4) **Conflicts with Existing Utility Easements and Facilities**

If this ordinance requires the placement of landscape materials within a platted or otherwise dedicated **utility easement**, and the policies or specifications of the utility providers using that **easement** prohibit that type of landscaping within the **easement**, an alternative location may be proposed by the applicant and approved by **DPS** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(5) **Conflicts with Driveways and Site Features**

If this ordinance requires the placement of landscape materials within a location designated for a **driveway** or in a location where it would interfere with pedestrian access or with visibility of an existing permitted sign on the property an alternative location may be proposed by the applicant and approved by **DPS** to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials, the number of trees required along **public street frontages** is not reduced by more than one tree per **street frontage**, and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(6) **Corner Visibility**

No required screening and buffering shall be located within a "**corner visibility area**" as defined in Article 5, Chapter 6 (Definitions).

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(7) Plant Requirements

All trees and shrubs used for landscaping purposes shall be selected from the **Plan Commission's** adopted plant species list unless an alternative species is approved by **DPS** staff as part of a Development Plan or Site Plan Review.

(8) Mounding Standards

- (A) Where this section requires landscaping for the purpose of screening a **building** or activity area, a mound may be used to meet all or part of the screening requirement. If mounding is used to meet part of a screening requirement the remaining required screening shall still be provided as set forth herein.
- (B) If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%.
- (C) Mounding used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance. All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%.

(9) Fencing Used for Screening

Where this chapter requires landscaping for the purpose of screening a **building** or **outdoor activity area**, a **solid fence** may be used to meet the screening requirement. Fencing used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions as defined herein.

(10) Maintenance

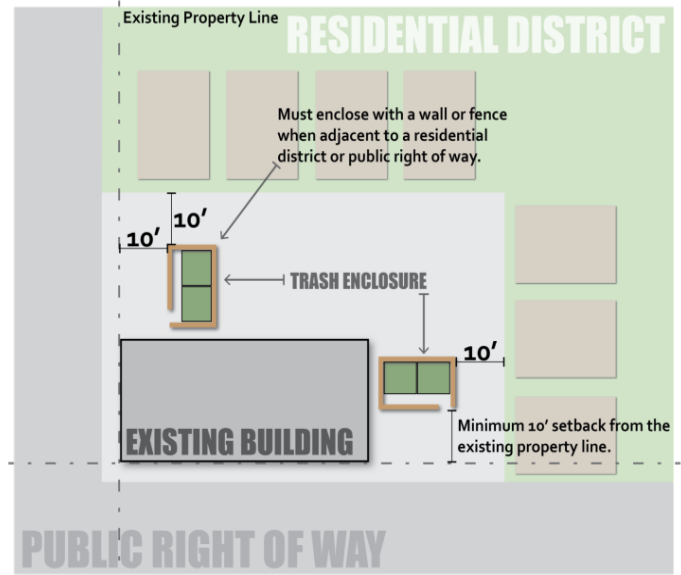
- (A) All plant material required by the provisions of this chapter shall be properly maintained in accordance with standard horticultural practices for a period of three (3) years from the date of the issuance of the **Certificate of Compliance** for the project. Any required plant or other screening material that dies or is otherwise removed during that time shall be replaced with equivalent plant or screening material by the **developer** or subsequent **owner**. If necessary, **DPS** staff shall determine what new plant or other screening material shall be adequate to replace the dead, removed, or destroyed plant or other screening material.
- (B) Any required plant material that dies or is otherwise removed after the three (3) year period may also be required to be replaced if staff is notified of the removal within one year of removal.

- (11) As required herein, a **buffer yard** shall be 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**. A **buffer yard** may be located within a required front, side, encroachment. This prohibition shall also apply to all non-allowed construction that does not require an **Improvement yard building setback**.

ALLEN COUNTY ZONING ORDINANCE

(b) Specific Standards and Requirements

- (1) Each application subject to this chapter that falls under the **building** type shown in the tables titled “Landscape Codes – **Buildings** and **Outdoor Activity Areas**” or Landscape Codes – Parking and **Outdoor Display Areas**” below shall include a **buffer yard** of that type, as shown the applicable “**Buffer Yard Standards**” table, along the edge(s) of the applicant’s property where the **adjacency** occurs. For example, an application with an **adjacency** situation identified in the Landscape Codes table as requiring a Code B-2 **buffer yard** shall include a Code B-2 **buffer yard** as defined in the **Buffer Yard Standard** tables. There may be more than one code required along a given property edge. In any case where a screening or buffering standard is required, an applicant may choose to provide a higher level of landscaping.
- (2) **DPS** staff may allow flexibility in the location of required plant materials to allow for landscaping that is equivalent to these standards in cases where the submitted landscape plan has been prepared by a licensed landscape architect.
- (3) All **refuse** dumpsters shall be located a minimum of ten (10) feet from any **lot line**, and shall be screened from any **adjacent residential district** and/or public **right-of-way** by a solid **wall** or **fence**.



ALLEN COUNTY ZONING ORDINANCE

- (4) The following landscape codes shall be applicable to the noted **building** types and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS			
Building Type	Landscape Code, if Adjacent To:		
	Residential districts	Nonresidential districts	
Office, Personal Service, or Other C1 Use Building	B-1	No requirement	
Commercial, Retail, Industrial, or Universally Permitted Use Building	B-2	No requirement	
Multiple Family Building/Complex, or Manufactured Home Park	B-3	B-4	
Nonresidential Outdoor Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-7
	Other activity area	A-3	A-8
	Storage area	A-4	No requirement
	Eating/drinking/smoking area	A-5	No requirement
	Home Industry Outdoor Storage Area	A-6	No requirement

- (5) The following landscape codes shall be applicable to the noted **parking area** situations:

LANDSCAPE CODES – PARKING AND OUTDOOR DISPLAY AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas more than 50 spaces (shall not apply to outdoor display areas)	P-4

ALLEN COUNTY ZONING ORDINANCE

- (6) The following Code B-1 **buffer yard** standard shall apply if an office, **personal service**, or other C1 use building is **adjacent** to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office, Personal Service, or Other C1 Use Building Adjacent to a Residential District		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25'; a minimum of 3 per façade up to 50% ornamental trees may be used	50% large shrub buffer in groups of at least five

PLAN

ELEVATION

- (7) The following Code B-2 **buffer yard** standard shall apply if a commercial, retail, industrial or **universally permitted use building** is **adjacent** to a residential district:

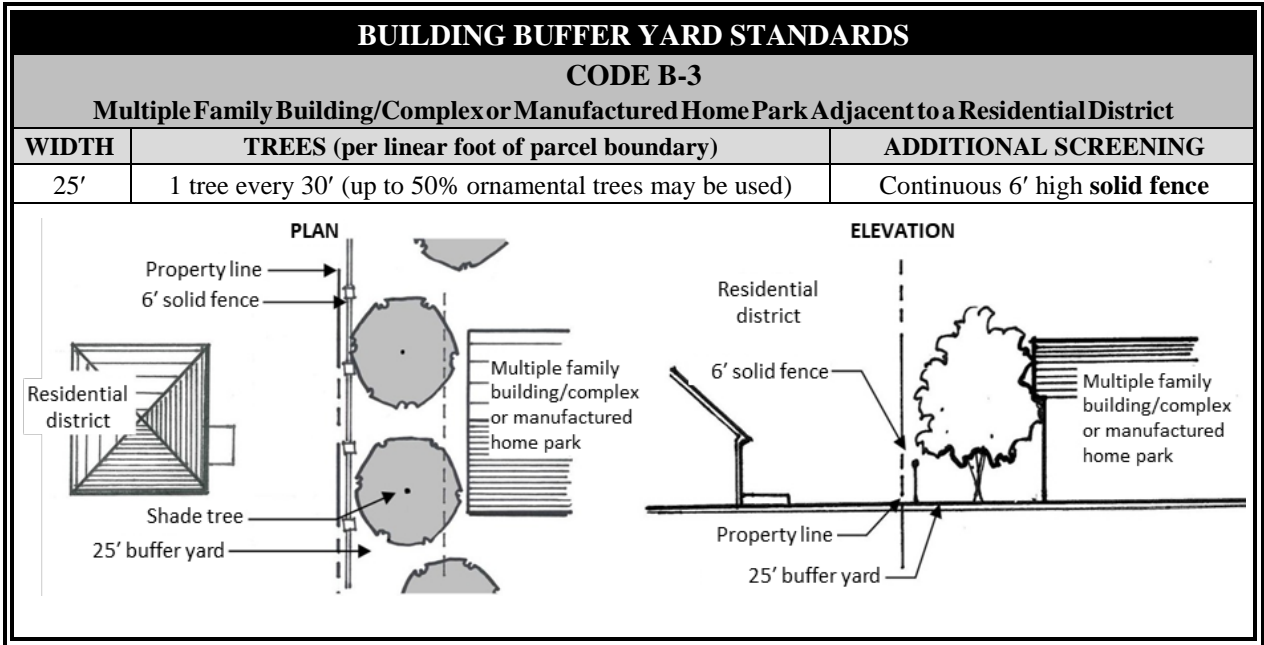
BUILDING BUFFER YARD STANDARDS		
CODE B-2		
Commercial, Retail, Industrial or Universally Permitted Use Building Adjacent to a Residential District		
WIDTH	TREES (Per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20'; a minimum of 5 per façade	50% large shrub buffer in groups of at least five

PLAN

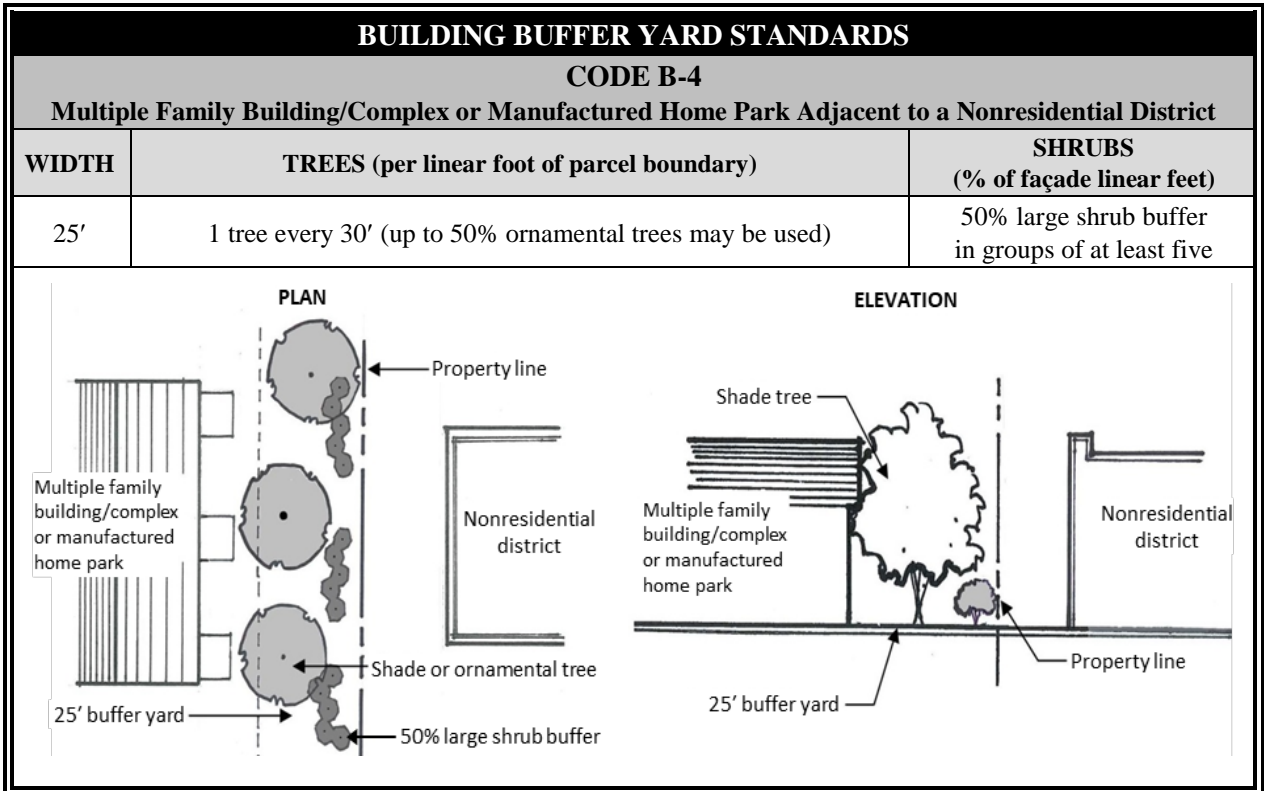
ELEVATION

ALLEN COUNTY ZONING ORDINANCE

- (8) The following Code B-3 **buffer yard** standard shall apply if a multiple **family building/complex** or **manufactured home park** is **adjacent** to a **residential district**:



- (9) The following Code B-4 **buffer yard** standard shall apply if a multiple **family building/complex** or **manufactured home park** is **adjacent** to a **nonresidential district**:



ALLEN COUNTY ZONING ORDINANCE

- (10) The following Code A-1, A-2, A-3, A-4, and A-5 **buffer yard** standards shall apply if a nonresidential **outdoor activity area** is **adjacent** to a residential district. Code A-6 screening standard shall apply when the **Board of Zoning Appeals** approves a **Home Industry with outdoor storage**:

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-1		
Nonresidential Driveway Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of driveway)	ADDITIONAL SCREENING
10'	1 every 40'	75% large shrub buffer

PLAN

ELEVATION

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-2		
Drive-Through Facilities Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
15' ⁽¹⁾	1 every 30'	Continuous 6' high solid fence

PLAN

ELEVATION

The drive-through window and all automobile stacking areas are required to be screened.

(1) See A.C.C. 3-4-4-15 (Residential Impact **Mitigation**) for additional standards.

ALLEN COUNTY ZONING ORDINANCE

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
Code A-3		
Certain Nonresidential Outdoor Activity Areas Adjacent to a Residential District (excluding outdoor storage areas and outdoor eating/drinking/smoking areas)		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
25'	1 evergreen tree every 20'	Continuous 6' high solid fence , either on the property line or immediately around the activity area

PLAN

ELEVATION

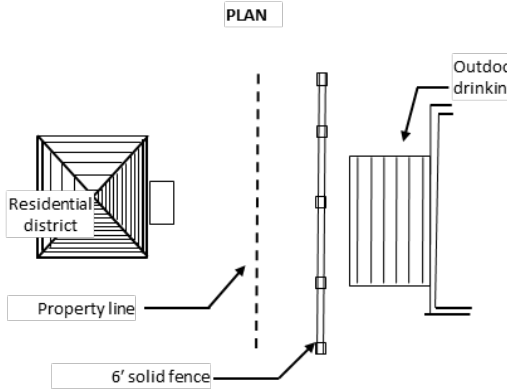
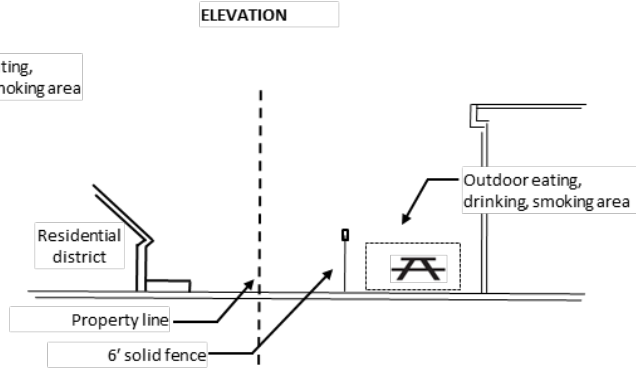
OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
Code A-4		
Outdoor Storage Areas Adjacent to a Residential District or a Street		
WIDTH	SCREENING	ADDITIONAL BUFFERING (% of storage area lineal feet)
10' ⁽¹⁾ (5' if a solid fence is provided)	Continuous 6' high solid fence , either on the property line or immediately around the activity area; or a continuous non-solid fence , with additional evergreen tree and/or large shrub buffering	75% evergreen tree and/or large shrub buffer

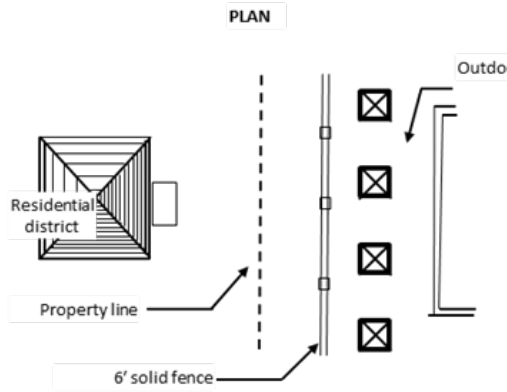
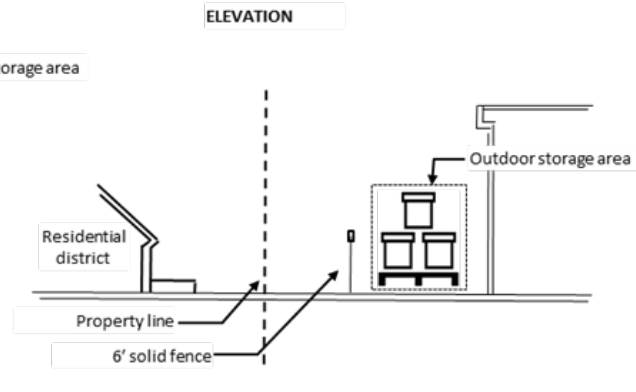
PLAN

ELEVATION

(1) See A.C.C. 3-4-4-15 (Residential Impact **Mitigation**) for additional standards.

ALLEN COUNTY ZONING ORDINANCE

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS	
Code A-5	
Outdoor Eating/Drinking/Smoking Areas Adjacent to a Residential District	
REQUIRED SCREENING	
<p>Continuous 6' high solid fence, either on the property line or immediately around the eating/drinking smoking area. ⁽¹⁾</p>	
<p>PLAN</p> 	<p>ELEVATION</p> 
<p>(1) A fence shall always be required to screen an eating/drinking/smoking area.</p>	

OUTDOOR STORAGE AREA SCREENING STANDARDS FOR BZA APPROVED HOME INDUSTRY IN A1 ZONING DISTRICTS	
Code A-6	
BZA Approved Home Industry Outdoor Storage Areas Adjacent to a Right-of-way or a Residential District	
REQUIRED SCREENING	
<p><u>(Additional landscape buffering materials are not mandatory unless required by the BZA as part of its approval)</u></p>	
<p>Continuous 6' high solid fence, either on the property line or immediately around the outdoor storage area. ⁽¹⁾</p>	
<p>PLAN</p> 	<p>ELEVATION</p> 
<p>(1) A fence shall be required to screen an outdoor storage area from adjacent properties or street right-of-way located less than 250' from the BZA approved outdoor storage area. The distance shall be measured from the nearest right-of-way and/or property line. Outdoor storage located more than 250' from an adjacent residential district or street right-of-way is not required to be screened. Adjacent property owned by the business owner is also not required to be screened.</p>	

ALLEN COUNTY ZONING ORDINANCE

- (11) The following Code A-7 and Code A-8 **buffer yard** standards shall apply if a nonresidential **outdoor activity area** is adjacent to a nonresidential district:

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-7		
Drive-Through Areas Adjacent to a Nonresidential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
5'	1 tree every 30'	Continuous medium shrub buffer

PLAN

ELEVATION

The drive-through window and all automobile stacking areas are required to be screened.

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-8		
Other Nonresidential Activity Areas Adjacent to a Nonresidential District		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING (around activity area)
5'	1 every 30'	Continuous medium shrub buffer

PLAN

ELEVATION

ALLEN COUNTY ZONING ORDINANCE

- (12) The following Code P-1 and Code P-2 **buffer yard** standards shall apply if a **parking area is adjacent to a public street, private access drive, or residential district**, except that only the tree standard in Code P-1 shall apply if the **parking area** is located over 300 feet from the **street right-of-way**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-1		
Parking Area Adjacent to Public Street or Private Access Drive		
WIDTH	TREES (per linear foot of parking area)	SHRUBS
5'	1 shade tree every 60'	75% small shrub buffer; up to 30% medium shrubs may be used

The diagram illustrates a cross-section of a parking area adjacent to a public street. A 5-foot wide parking area is shown with cars parked. A 60-foot spacing is indicated between shade trees. A 75% small shrub buffer is shown in a 5-foot wide planting bed. Labels include 'Existing or proposed street tree', 'Shade tree', and '75% small shrub buffer 5' wide planting bed'.

PARKING AREA BUFFER YARD STANDARDS		
CODE P-2		
Parking Area Adjacent to Residential District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
10'	1 shade tree every 40'	75% large shrub buffer

The diagram illustrates a cross-section of a parking area adjacent to a residential district. A 10-foot wide parking area is shown with cars parked. A 40-foot spacing is indicated between shade trees. A 75% large shrub buffer is shown in a 10-foot wide planting bed. Labels include 'Shade tree', 'RESIDENTIAL DISTRICT', 'Property line', and '75% large shrub buffer 10' wide planting bed'.

ALLEN COUNTY ZONING ORDINANCE

- (13) The following Code P-3 buffer yard standards shall apply if a **parking area is adjacent to a nonresidential district**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-3		
Parking Area Adjacent to a Commercial Zoning District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
5'	1 shade tree every 60'	50% small shrub buffer (in groups of at least three)

NON-RESIDENTIAL DISTRICT

Property line

60'

50% small shrub buffer
5' wide planting bed

- (14) The following Code P-4 interior landscaping standards shall apply to a **parking area of over 50 spaces**:

PARKING AREA BUFFER YARD STANDARDS	
CODE P-4	
Parking Areas More Than 50 Spaces (Shall Not Apply to Outdoor Display Areas)	
PLANTING ISLAND SIZE	PLANTING ISLANDS REQUIRED
200 square feet minimum planting area	<ul style="list-style-type: none"> A planting island shall be provided at the end of each parking row A double parking row shall require two shade trees (as shown below) An additional planting island shall be provided if the row has more than 25 spaces

Tree islands at end of each parking row

400 square feet planting area per double island

Parking row

Additional tree island if the parking row has more than 25 spaces

200 square feet planting area per single island

ALLEN COUNTY ZONING ORDINANCE

3-4-8-5 Additional **Parking Area** Landscape Standards

(a) Screening and Buffering

Screening and buffering of off-street **parking areas** shall be provided to meet the requirements of A.C.C. 3-4-8-4.

(b) Planting Areas

The following **landscape planting area** requirements shall be calculated based on the gross square footage of the **parking areas** (not including **driveways** that are not **adjacent** to any **parking space**).

- (1) A minimum of 200 square feet of planting area shall be provided per tree.
- (2) If approved by **DPS** staff, the internal planting areas may be designed and planted to be used for stormwater conveyance.
- (3) Each parking **lot** that serves a multiple **family** residential, commercial, public, institutional, civic, or mixed-use and contains any **parking spaces** located more than 300 feet from the closest pedestrian entrance to the **primary building** shall contain at least one (1) pedestrian walkway (which may be a site perimeter sidewalk) allowing pedestrians to pass from the furthest row of parking to the **primary building** entrance without crossing additional driving spaces or aisles. The required walkway must be at least five (5) feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the **primary building façade** if possible. If located in a landscaped island, the minimum width of the island shall be increased by five (5) feet to accommodate the walkway without reducing the amount of landscaped area.

3-4-8-6 Alternative Landscaping/Buffering Compliance

(a) Purpose

In lieu of compliance with the specific landscaping, screening, and buffering requirements of this A.C.C. 3-4-8-1 through 3-4-8-5, the applicant may propose alternative compliance pursuant to this A.C.C. 3-4-8-6 as part of the submittal of a Primary Development Plan.

(b) Procedure

An application for alternative landscaping/buffering compliance shall be processed as an application for approval of a Primary Development Plan pursuant to A.C.C. 3-3-1-3.

(c) Criteria for Approval of Alternative Landscaping/Buffering

An application for alternative landscaping/buffering shall be approved if the **Plan Commission** determines that:

- (1) The proposed alternative promotes the purpose of A.C.C. 3-4-8-1;
- (2) The proposed alternative will equal or exceed the amount of trees, shrubs, and planting area required by A.C.C. 3-4-8-1 through 3-4-8-5 above; and
- (3) The proposed alternative will screen or buffer **adjacent** properties from visual, lighting, and noise impacts from the same **buildings**, areas, or site features addressed by A.C.C. 3-4-8-1 through 3-4-8-5 as well or better than compliance with the standards in those Sections.

ALLEN COUNTY ZONING ORDINANCE

Chapter 9 Signs

3-4-9-1 Purpose

The purpose of this Chapter shall be to:

- (a) Regulate the time, place, and manner of the display of signage and non-sign visual displays;
- (b) Coordinate the type, placement, and dimensions of **signs** within the different **zoning districts**;
- (c) Recognize the commercial communication requirements of all sectors of the business community;
- (d) Establish updated language and standards for the various types of **signs** and land **use** situations;
- (e) Encourage the innovative **use** of design;
- (f) Promote both **sign renovation** and proper **sign** maintenance;
- (g) Provide for the treatment of nonconforming **signs**;
- (h) Encourage equal treatment through accurate record keeping and consistent enforcement;
- (i) Avoid content-based regulation prohibited by the federal or state constitution, statutes, or court decisions.

3-4-9-2 Applicability

- (a) The provisions of this Chapter shall apply to all **structures**, displays, and surface treatments that meet the definition of a **sign** in A.C.C. 3-5-6-1 and shall apply throughout the **planning jurisdiction** of Allen **County**.
- (b) An **Improvement Location Permit** shall be required before the construction, display, enlargement, erection, reconstruction, placing or locating of all **signs** regulated by this Chapter, except as exempted in A.C.C. 3-4-9-3 below.
- (c) It shall be a **violation** of this ordinance for any **sign** to be constructed, displayed, enlarged, erected, reconstructed, or otherwise altered except as provided in this Chapter. Any **person**, agent, contractor, lessee, **owner**, **sign** company, or tenant violating the provisions of this Chapter or failing to comply with any order or determination made under this ordinance shall be subject to the enforcement provisions of this ordinance.
- (d) **Signs** regulated by this Chapter may also be subject to the regulations of the Indiana Department of Transportation (INDOT); where such regulations are more restrictive than this chapter, the INDOT regulations shall govern.
- (e) For purposes of determining **street** classifications for signage purposes in this Chapter, refer to the Northeast Indiana Regional Coordinating Council (NIRCC) 2008 Functional Classification System for Allen **County** Indiana, as may be amended.

ALLEN COUNTY ZONING ORDINANCE

3-4-9-3

Improvement Location Permit Not Required

The **on-premise signs** listed in subsection (a) below, and the **temporary signs** listed in subsection (b) below, may be erected or placed, in addition to other permitted **signs**, without obtaining an **Improvement Location Permit**. However, a **violation** of any standard or condition for such **sign** shall be a **violation** of this ordinance.

(a) Permanent **On-Premise Signs**

- (1) Agriculturally-related **signs**, such as seed dealer and test plot **signs**,
- (2) Flags of federal, state, or local governments;
- (3) Historical or commemorative plaques or tablets;
- (4) Historically **significant signs** that have been reviewed and approved by the Historic Preservation Review **Board** in conformance with any historic preservation ordinance in effect at the time of review;
- (5) Information **signs** that direct traffic within a premises or that identify key locations on the premises subject to the following standards:
 - (A) No **sign** shall exceed six (6) square feet in area or three (3) feet in height.
- (6) Memorial plaques, tablets, or **building** cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the **building** or **structure** it identifies.
- (7) **Noncommercial opinion signs** subject to the following standards and limitations:
 - (A) In the A1, A3, R1, R2, R3, MHP, or MHS **zoning districts**, up to two (2) **wall** or **freestanding signs** shall be permitted per **lot** or **development site**. No **sign** shall exceed twelve (12) square feet in area and no **freestanding sign** shall exceed four (4) feet in height. The **sign(s)** may be located in a required **yard**.
 - (B) In any other **zoning district**, one **wall** or **freestanding sign** shall be permitted per **lot** or **development site**. No **sign** shall exceed thirty-two (32) square feet in area, and no **freestanding sign** shall exceed six (6) feet in height. The **sign** may be located in a required **yard**.
- (8) **Signs** authorized by a governmental entity, including traffic and warning **signs**, public notices, and proclamations erected or displayed in discharge of a government function, or where required by ordinance.
- (9) Reflectors and other safety **signs** or devices used to mark **driveways**, towers, **airport** approaches, underground public utilities, and other potentially dangerous **structures** or situations.
- (10) **Signs** painted, printed or mounted on licensed and operable vehicles that are incidentally visible on any vehicle in connection with the use of such vehicle for transportation purposes, but excluding vehicles (including trailers) specifically constructed for use as **signs** rather than for transportation of other goods.
- (11) **Signs**, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or other risks to public health or safety.
- (12) **Off-premise wall signs** not exceeding six (6) square feet providing directions to nearby properties.

ALLEN COUNTY ZONING ORDINANCE

(b) **Temporary Signs**

The **temporary signs** listed in the following table are permitted subject to the standards and **conditions** for that type of **sign**. Unless otherwise noted, only one type of **temporary sign** may be present on a **development site** at the same time (this limitation shall not apply to **noncommercial opinion signs**). No **temporary sign** may be mounted on a **fence**. Holiday lighting is not considered signage, and is not subject to the provisions of this Chapter.

TEMPORARY SIGN STANDARDS			
Sign Type	Zoning Districts	A/R/MH Districts	All Other Districts
Auction			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Construction			
Signs per development site (wall or freestanding)		1	1/multiple
Maximum size (square feet)		12	32 per sign or 100 if only one sign
Maximum height (feet)		4	6 per sign or 10 if only one sign
Setback from lot line (feet)		5	5
Removal (number of days after C of O issuance)		30	30
Special Event			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
Mobile			
Signs per development site (freestanding only)		0	1
Maximum size (square feet)		N/A	32
Maximum freestanding sign height (feet)		N/A	6
Setback from lot line (feet)		N/A	5
Placement limitation (number of times per year)		N/A	2
Time limitation (number of days per placement)		N/A	30
Noncommercial Opinion			
Signs per development site (wall or freestanding)		No limit	No limit
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		5	5
Placement limitation (January 1 st of election year)		Yes	Yes
Removal requirement (number of days after election)		30	30
Real Estate			
Signs per street frontage (wall or freestanding)		1	1
Maximum size (square feet)		12	32
Maximum freestanding sign height (feet)		4	6
Setback from lot line (feet)		None	None
Removal requirement (number of days after sale, rental, or lease)		7	7

ALLEN COUNTY ZONING ORDINANCE

3-4-9-4

General Sign Standards

All non-billboard **signs** shall meet the standards in the following tables for the **zoning district** in which the **sign** is located, as well as the standards in A.C.C. 3-4-9-4(b) (Standards Applicable in All **Zoning districts**) and A.C.C. 3-4-9-6 (General Provisions and Standards).

(a) Standards Applicable in Specific **Zoning Districts**

(1) General Standards

AGRICULTURAL, RESIDENTIAL, AND MH DISTRICT PERMANENT SIGN STANDARDS							
Land Use	Zoning District	A1	A3	R1	R2	R3	MH
Single and two family dwellings, other permitted residential uses, and BZA-approved uses where the owner is required to live on the property							
Signs per dwelling (wall or freestanding, non-illuminated)		1	1	1	1	1	1
Maximum size (square feet)		3	3	3	3	3	3
Maximum freestanding sign height (feet)		4	4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5	5
Universally Permitted Uses							
Signs per development site (freestanding)		1	1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50	50
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum freestanding sign height		8	8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80	80
BZA-approved uses where the owner is not required to live on the property							
Signs per development site (freestanding)		1	1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50	50
Maximum freestanding sign height		8	8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80	80
Subdivisions (primary signage)							
Signs per manufactured home community, multiple family housing project, or subdivision plat/neighborhood entrance		2	2	2	2	2	2
Maximum size (square feet)		50	50	50	50	50	50
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5
Subdivisions (auxiliary signage)							
Signs per subdivision section		1	1	1	1	1	1
Maximum size (square feet)		24	24	24	24	24	24
Maximum height (feet)		4	4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5	5

ALLEN COUNTY ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Freestanding							
Up to 300' of frontage on an arterial street, or on a collector/other public or private street (excluding Interstates)							
Number of signs per street frontage (up to a total of two signs per lot)		1	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum changeable copy area		40	40	40	40	40	40
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	50	50	50	50	50
More than 300' of frontage on an arterial street							
Number of signs per lot (per street frontage)		1	1	1	1	1	1
Maximum size (square feet)		80	100	100	300	300	300
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	100	100	150	150	150
Additional sign for properties with over 500' of frontage on an interstate highway (I-69 or I-469; on-premise only)							
Number of signs per lot		N/A	N/A	N/A	1	1	1
Maximum size (square feet)		N/A	N/A	N/A	100	100	100
Maximum changeable copy area (square feet); digital signs not permitted		N/A	N/A	N/A	40	40	40
Maximum height (feet)		N/A	N/A	N/A	30	30	30
Setback from lot line (feet)		N/A	N/A	N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	N/A	N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		N/A	N/A	N/A	50	50	50
Entrance signage for projects with multiple lots/parcels or multiple buildings on a single parcel (permitted for new development proposals with over 500' of frontage on a public street)							
Number of signs per development site (per street frontage; sign shall be located on the public street frontage where the entrance is located)		2	1	1	1	1	1
Maximum size (square feet)		80	150	150	300	300	300
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
Setback from lot line (feet)		5	5	5	5	5	5
Setback from residential zoning district (feet)		50	50	50	50	100	100

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COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
Wall							
Maximum coverage (per façade)		30%	30%	30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Awning							
Maximum coverage (of outer awning surface)		50%	50%	50%	50%	50%	50%
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Blade							
For frontages located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 80 square feet							
Maximum size (square feet)		80	80	80	80	80	80
Distance sign can extend from building (feet)		4	4	4	4	4	4
Blade							
For frontages not located on arterial streets ; multiple signs are permitted; total square footage shall not exceed 30 square feet							
Maximum size (square feet)		30	30	30	30	30	30
Distance sign can extend from building (feet)		4	4	4	4	4	4
Canopy							
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1	1	1
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
Building Directory							
Additional sign for a building with multiple internal tenants							
Number of signs permitted (per building)		1	1	1	1	1	1
Maximum size (square feet)		50	50	50	50	50	50
Maximum height of sign (feet)		6	6	6	6	6	6
Setback from lot line (feet)		5	5	5	5	5	5
Drive-Through							
For a primary building with an accessory drive-through facility							
Number of signs permitted (per lot)		1	2	2	2	2	2
Maximum size (square feet)		20	50	50	50	50	50
Maximum height (feet)		6	10	10	10	10	10
Setback from lot line (feet)		5	5	5	5	5	5
May not be located in required front or side yard							
Gas Station							
Gas pump embellishment maximum size (square feet)		2	2	2	2	2	2
Projecting							
Multiple signs are permitted; total square footage shall not exceed 12 square feet							
Maximum size (square feet)		12	12	12	12	12	12
Distance sign can extend from building (feet)		4	4	4	4	4	4
Subdivision Plat							
Number of signs per entrance		2	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum height		8	8	8	8	8	8

ALLEN COUNTY ZONING ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
Freestanding (all on-premise only)					
Up to 300' of frontage on an arterial street, or on a collector or other street					
Number of signs per street frontage		1	1	1	1
Maximum size (square feet)		80	80	80	80
Maximum changeable copy area		40	40	40	40
Maximum height (feet)		8	8	8	8
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	50	50	50
Over 300' of frontage on an arterial street, or on a collector or other street					
Number of signs per street entrance if lot or parcel contains one primary building		1	1	1	1
Number of signs per street entrance if lot or parcel contains more than one primary building		2	2	2	2
Maximum size (square feet)		80	100	100	300
Maximum changeable copy area (square feet)		40	40	40	40
Maximum height (feet)		8	15	15	30
Setback from lot line (feet)		5	5	5	5
Setback from residential zoning district (distance indicated or 5' from side lot line opposite residential district, whichever is less)		50	100	100	150
Additional signage if lot has over 500 ft. of frontage on an interstate highway (I-69 or I-469)					
Number of signs per lot		N/A	1	1	1
Maximum size (square feet)		N/A	100	100	100
Maximum changeable copy area (square feet); digital signs not permitted		N/A	40	40	40
Maximum height (feet)		N/A	30	30	30
Setback from lot line (feet)		N/A	5	5	5
Maximum sign base setback from interstate ROW (feet)		N/A	50	50	50
Setback from residential zoning district (feet) (distance indicated or 5' from side lot line opposite residential district, whichever is less)		N/A	50	50	50
Wall					
Maximum coverage (per façade)		30%	30%	30%	30%
Maximum changeable copy area (square feet)		40	40	40	40
Awning					
Maximum coverage (of outer awning surface)		50%	50%	50%	50%
Backlighting permitted		Yes	Yes	Yes	Yes
Canopy					
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1
Backlighting permitted		Yes	Yes	Yes	Yes

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INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
Building Directory					
Additional sign for a building with multiple internal tenants					
Maximum size (square feet)		50	50	50	50
Maximum height of sign (feet)		6	6	6	6
Setback from lot line (feet)		5	5	5	5
Drive-Through					
For a primary building with an accessory drive-through facility					
Number of signs permitted (per lot)		1	2	2	2
Maximum size (square feet)		20	50	50	50
Maximum height (feet)		6	10	10	10
Setback from lot line (feet); Shall not be located in required front or side yard		5	5	5	5
Gas Station					
Gas pump embellishment maximum size (square feet)		2	2	2	2
Subdivision or Multiple Lot Development Plan					
Number of signs per development entrance		2	2	2	2
Maximum size (square feet)		150	150	150	150
Maximum height (feet)		10	10	10	10

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- (b) Standards Applicable in All **Zoning Districts**
- (1) **Awning Signs**
- (A) **Awning signs** shall be affixed flat to, or painted upon, the surface of the **awning**.
 - (B) **Awning signs** shall not extend vertically or horizontally beyond the limits of the **awning** to which they are attached.
 - (C) **Awning signs** shall not be internally illuminated.
 - (D) **Awnings** shall be permitted to extend up to four (4) feet into a required **front yard** or into a **right-of-way**, if the **awning** is at least eight (8) feet above grade.
- (2) **Changeable Copy Area and Digital Signs**
- (A) Unless specifically prohibited, **changeable copy** area and digital **signs** shall be permitted to be up to 40 square feet of the area of a permitted freestanding or **wall sign**.
 - (B) Digital **signs** may not be operated to allow an image or component to change, rotate, move, flash, or blink at a rate exceeding one image per six (6) seconds. The change time between images shall be no more than 0.25 second. All motion is prohibited on digital display **signs**. This includes the use of lighting to depict action or animation or to create a special effect or scene through any of the following: blink, flash, flicker, scintillate, scroll, or variations in intensity or brightness that depict or give the appearance of action, motion, movement, or rotation. Only static text and graphics shall be permitted. The digital display shall contain a default mechanism that will freeze the **sign** in one position if a malfunction occurs.
 - (C) Digital **signs** that scroll or **travel** may not be in motion longer than ten (10) seconds with a minimum of three (3) seconds delay until **transition** to another message.
 - (D) Digital **sign** illumination shall not exceed 4,500 **nits** from 30 minutes after sunrise to 30 minutes before sunset and 500 **nits** during other hours.
 - (E) Each digital **sign** shall have an automatic dimmer control, to produce a distinct illumination change from a higher illumination level to a lower illumination level in order to comply with the daytime and nighttime illumination levels in subsection (b) above and to adjust **sign brightness** based on ambient lighting levels. The dimmer control shall be activated at all times that the **sign** is in operation.
 - (F) Each digital **sign** shall have an automatic cutoff device that results in a blank **sign** in the event of a mechanical or electrical malfunction in the **sign**.
- (3) **Marquee Signs**
- (A) All portions of the **marquee** and attached **signs** shall have a minimum clearance of eight (8) feet above the walk or grade below.
 - (B) Each face of a **marquee** shall be allowed to have a **sign**.

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- (C) Each **sign** may extend the entire length of the **marquee** face on which it is located
- (D) Each **sign** may project up to six (6) feet above the roof of the **marquee** face on which it is located, but not above the cornice **wall** or roof of the **building**.

(4) **Drive-Through Signs**

Drive-through signs are only permitted in conjunction with a **primary building** with an accessory **drive-through facility**.

(5) **Projecting Signs**

All portions of the **projecting sign** shall have a minimum clearance of eight feet above the walk or grade below.

(6) **Roof Signs**

Roof signs are prohibited

(7) **Wall Signs**

(A) When located on a **building wall**, **wall signs** shall be mounted substantially parallel to that **wall** and shall project no more than twelve (12) inches from the **wall**.

(B) When mounted on a mansard roof, **wall signs** shall be mounted so that the lower edge of the **sign** is no more than twelve (12) inches from the mansard roof surface and the top edge is no further from the mansard roof surface than necessary to allow the **sign** to be mounted vertically.

(C) No portion of the **wall sign** shall project above the cornice **wall** or roof of the **building** to which they are attached.

(8) **Window Signs**

Window signs shall be permitted in accordance with the applicable **wall sign** provisions.

(c) **Board of Zoning Appeals Approved Uses Signs**

Sign regulations for **uses** permitted by the **Board of Zoning Appeals** shall be as specified in the written decision approved by the **Board** in connection with that **use**. If the decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

(d) **Plan Commission Approved Uses Signs**

Sign regulations for **uses** approved by the **Plan Commission** pursuant to A.C.C. 3-3-1 (Development Plans) shall be as specified in any written decision approved by the **Plan Commission** in connection with that **use**. As part of its approval, the **Plan Commission** may waive or modify certain **sign** design standards as part of its approval of a Primary Development Plan as provided in A.C.C. 3-3-1-6. If the decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

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(e) **Master Sign Plan**

(1) Authority

An applicant for a **development** containing multiple **buildings** on a single **parcel**, multiple **buildings** on separate contiguous **parcels** may file an application for a **Master Sign Plan** to reallocate certain aspects of the **on-premise sign area**, or to increase the number or size of individual **signs**, available in the **zoning district** where the applicant's property is located pursuant to A.C.C. 3-4-9-4. A **Master Sign Plan** is not available for a single **lot** or **parcel** containing a single principal **building**. The **Plan Commission** shall not be permitted to approve signage that exceeds the maximum height standards.

(2) Review by **Plan Commission**

The **Master Sign Plan** application shall be treated as a Primary **Development Plan** for review by the **Plan Commission**, but the criteria in subsection (3) below shall apply instead of the criteria in A.C.C. 3-3-1-3(d).

(3) Criteria for Review and Approval

The **Plan Commission** shall approve the application for a **Master Sign Plan** if it finds that:

- (A) The application reflects an overall **sign** program of a consistent architectural design.
- (B) The requested signage will not create an adverse impact on **adjacent County** or Fort Wayne residential or office **zoning districts**.
- (C) The application does not request a **sign** with a maximum height taller than that otherwise permitted for that **sign** pursuant to A.C.C. 3-4-9-4.

(4) **Board of Zoning Appeals**

A request to permit **signs** not permitted by this Chapter that does not meet the criteria for approval in subsection (3) above may be submitted to the **Board of Zoning Appeals** for review and decision under A.C.C. 3-5-3-5 (Variances from Dimensional Standards).

(f) **Nonconforming Use Signs**

A **nonconforming use** may continue to use that **sign(s)** in use at the time the use became nonconforming (or if that date is unknown, then the date on which the **nonconforming use** was first documented), and may repair the **sign** and change the message or **sign** face as permitted for an **on-premise signs**. The size, height, or illumination (if any) of the **sign** may not be increased, and the **sign** may not be converted from a static to a digital **sign**.

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3-4-9-5 **Billboard Sign Provisions**

(a) Locations Permitted

Billboard signs are permitted only in the A1, SC, C3, C4, I1, I2, and I3 **zoning districts**, and in the **Gateway Corridor** area identified in A.C.C. 3-4-9-5(d)(7). However, regardless of the zoning of the property, **billboard signs** shall not be permitted on properties with **frontage** on **Airport Expressway**.

(b) Standards

To construct a new digital or static **billboard sign**, expand an existing **billboard sign** to a larger **billboard sign**, or convert an existing non-registered static **billboard sign** to a digital **billboard sign**, the **sign** shall meet the standards set forth in the table below, and shall also have provided the **sign area** removal credits required in the **Sign Removal Credits Required for Billboard Sign Construction or Conversion** table. A request to do any of the above actions where the applicant has not provided the required sign area removal credits shall require approval of a Use Variance.

BILLBOARD SIGN STANDARDS			
Sign Size	Zoning District	A1	SC, C3, C4, I1, I2, I3
100 square foot freestanding billboard			
Lot shall be located on a principal or minor arterial			
Number of signs per lot		1	1
Lineal distance from nearest billboard sign (feet)		1,000	300
Lineal distance from any residence		300	N/A
Lineal distance from a road intersection		300	N/A
Lineal distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		N/A	300
Lineal distance from County or Fort Wayne C1 district (feet)		N/A	150
Lineal distance from County A , MH, or R district (feet)		N/A	300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	300
Radial distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		N/A	125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	125
Maximum height (feet)		30	30
Minimum setback from lot line (feet)		15	15
Maximum area of billboard embellishments (% of main sign area)		15	15

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BILLBOARD SIGN STANDARDS			
Sign Size	Zoning District	A1	SC, C3, C4, I1, I2, I3
300 square foot freestanding billboard standards			
Lot shall be located on a principal or minor arterial			
Number of signs per lot		1	1
Lineal distance from nearest billboard sign (feet)		1,000	500
Lineal distance from any residence		300	N/A
Lineal distance from a road intersection		300	N/A
Lineal distance from Fort Wayne AR, UC, DE, UC, MH, or R district (feet)		N/A	300
Lineal distance from County or Fort Wayne C1 district (feet)		N/A	150
Lineal distance from County A , MH, or R district (feet)		N/A	300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	300
Radial distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		N/A	125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	125
Maximum height (feet)		35	35
Minimum setback from lot line (feet)		20	20
Maximum area of billboard embellishments (% of main sign area)		15	15
672 square foot freestanding billboard standards			
Lot shall have frontage on I-69 or I-469			
Number of signs per lot		0	1
Lineal distance from nearest billboard sign (feet)		N/A	500
Lineal distance from any residence		N/A	N/A
Lineal distance from a road intersection		N/A	N/A
Lineal distance from Fort Wayne AR, DC, DE, UC, MH, or R district (feet)		N/A	300
Lineal distance from County or Fort Wayne C1 district (feet)		N/A	150
Lineal distance from County A , MH, or R district (feet)		N/A	300
Lineal distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	300
Radial distance from Fort Wayne AR, UC, DC, DE, MH, or R district (feet)		N/A	125
Radial distance from religious institution, school, health care facility, historic district, or lot eligible for historic designation (feet)		N/A	125
Maximum height (feet)		N/A	35
Setback from lot line (feet)		N/A	20-50
Maximum area of billboard embellishments (% of main sign area)		15	15

(c) **Billboard Sign** Registration, **Renovation** and Maintenance

(1) Registration of Existing **Billboards**

Billboard signs existing on the effective date of this ordinance shall be registered with **DPS** no later than December 31, 2014. All **signs** registered by December 31, 2014, shall be deemed permitted **signs**.

(2) **Renovation** and Maintenance

Any **billboard sign** that exceeds the size or height standards of this A.C.C. 3-4-9-5 and that has been registered as required by subsection (1) above shall be permitted

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to be maintained or renovated. **Renovation** shall include the replacement of the **sign** and/or the **sign structure**, provided the size or height of the **sign** is not increased, and the **sign** remains in the same location. However the conversion of a non-digital **sign** to a digital **sign** shall not be permitted.

(d) **Billboard Sign Cap and Replace System**

(1) **Removal of Sign Area Required for New Billboard**

After the effective date of this ordinance, no new **billboard** may be erected in any **zoning district** unless existing **billboard** area is removed and **sign** removal credits are presented pursuant to this A.C.C. 3-4-9-5(d).

(2) **Removal of Sign Area Required for Conversion of Existing Billboard to Digital**

After the effective date of this ordinance, no existing **billboard** may be converted to a digital **billboard** with more than 40 square feet of **changeable copy** area unless:

(A) The **billboard** is registered as set forth in A.C.C 3-4-9-5(c):

(B) The **billboard** is located on a **street** classified as an Interstate, Other **Freeway/Expressway**, Other **Principal Arterial**, or **Minor Arterial street** as set forth on the most recently-adopted Northeast Indiana Regional Coordinating Council Functional Classification System map;

(C) The **billboard** is located in an SC, C3, C4, I1, I2, or I3 **zoning district**:

(D) The **billboard** is located no closer than 500 feet to another **billboard** with digital copy area:

(E) The **billboard** is located no closer than a 150 foot radial distance from a Fort Wayne AR, DC, DE, UC, MH, or R **district**, or a **County A, MH, or R district**:

(F) The size and height of the **billboard** are not increased: and

(G) Existing **billboard** area is removed and **sign** removal credits are presented pursuant to this A.C.C. 3-4-9-5(d).

(3) **Removal of Existing Sign Area**

After the effective date of this ordinance, no **ILP** shall be approved for a construction of a new **billboard sign** or for conversion of an existing **sign** to a digital **sign** containing more than 40 square feet of **changeable copy** area unless the applicant has documented that it has obtained the amount of **sign** removal credits required by A.C.C. 3-4-9-5(d)(6).

(4) **Sign Removal Eligible for Credits**

Sign Removal Credits shall only be issued for the removal of **billboard signs**. **Sign** Removal Credits shall not be issued for the removal of:

(A) **Temporary signs**;

(B) **On-premise signs**.

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(5) Number of **Sign** Removal Credits Issued

Upon submission by a **sign owner** of documentation that an eligible **billboard sign** has been removed, **DPS** shall issue to the **owner** of the removed **billboard sign(s)** the number of credits shown in the table below. For two-sided **signs**, credits shall only be issued based on the area of one of the **sign** faces.

Type of Signage Square Footage Removed	Credits Issued (per square foot of sign area removed)
Registered Signs outside of a Gateway area	
Digital sign area	2
Static (non-digital) sign area	1
Registered Signs within a Gateway area (digital and static)	4
Unregistered Signs	
Digital and static (non-digital)	1/2

(6) **Sign** Removal Credits Required for **Billboard Sign** Construction or Conversion

To construct a new digital or static **billboard sign**, expand an existing **billboard sign** to a larger **billboard sign**, or convert an existing static **billboard sign** to a digital **billboard sign**, **sign area** removal credits shall be required as set forth in the table below.

Request	Credits Required (per square foot of sign area constructed)	
	Outside SC district and Gateway areas	In an SC district or Gateway area
Construct a new digital billboard	4	5
Construct a new static billboard	2	3
Expand an existing digital billboard	2	5
Expand an existing static billboard	2	3
Convert an existing static billboard to a digital billboard	4	5
Construct up to 40 square feet of digital signage on a new or existing static billboard	4	5

(7) **Gateway** Area Location

For purposes of applying the tables in A.C.C. 3-4-9-5(d)(5) and A.C.C. 3-4-9-5(d)(6), the **Gateway** area is the property located within fifty (50) feet of the **right-of-way** line of U.S. 27, from the Fort Wayne corporate limits to its intersection with Interstate 469.

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- (8) Use of **Sign Removal Credits**
- (A) An application for **Sign Removal Credits** shall be submitted no later than six (6) months after the **sign** removal is completed.
- (B) The entire **sign** and any supporting **structure(s)** shall be removed prior to the issuance of any **Sign Removal Credits**. The **owner** of the **sign** being removed shall have the burden of documenting the location and area of the **sign** face prior to removal. For registered **signs**, the size of the **sign** removed shall be determined by the square footage of the **sign** as shown on the registration certificate. For non-registered **signs**, the **sign** size shall be determined by information submitted by the applicant. **DPS** staff may also use the permit issued for erection of the **sign**, or other existing **sign** data to determine the size of any removed **signs**. **Sign Removal Credits** evidenced by a certificate issued by **DPS** are transferable between parties through a written instrument signed by both the seller and buyer of the credit. The buyer of a **Sign Removal Credit** is responsible for notifying **DPS** of any **sign** credit transfer. Upon request and presentation of evidence of the transfer acceptable to **DPS**, **DPS** shall issue a replacement certificate naming the buyer as the **owner** of the certificate.
- (C) **Sign Removal Credits** that are not used for the construction of a new **billboard sign** shall expire if not used within ten (10) years from date of issuance.

3-4-9-6

General Provisions and Standards

(a) **Corner Visibility Areas**

No **temporary sign** and no permanent on-premise or **off-premise sign**, other than a governmental traffic control or directional **sign**, shall be located within a "**corner visibility area**" as defined in Article 5, Chapter 6 Definitions.

(b) **Expired Signs**

No **on-premise sign** shall be displayed longer than 30 calendar days after becoming an **expired sign**. The **Zoning Administrator** may require the covering of any **expired sign**, **sign** face, or **sign** copy area. If covering is required, the covering material shall be durable, and shall be replaced by the **sign owner** upon notice from the **Zoning Administrator** that it has become worn or damaged. If the **primary building** is removed, then the **sign** may be determined by the **Zoning Administrator** to be an illegal **sign**, subject to removal by the property **owner** at the direction of the **Zoning Administrator**. However, if at any time a freestanding **expired sign** is determined by the **Zoning Administrator** to create a safety or health issue, the **Zoning Administrator** may pursue the removal of the **sign** in conjunction with the Allen **County Building Department**.

(c) **Illumination**

- (1) No **sign** shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter.
- (2) External light sources shall be concealed from view at ground level at and beyond **lot lines**.

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- (3) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
 - (4) External light sources on **signs** larger than 100 square feet shall be mounted above the **sign** so as to shine downward.
 - (5) Any external **sign** light source or lamp that emits more than 900 **lumens** (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) **full-cutoff** style fixture to minimize the potential for **glare** on **adjacent** property.
 - (6) Digital **signs** shall comply with illumination standards in A.C.C. 3-4-9-4(b)(2).
- (d) Maintenance and Removal
- (1) No **sign** or part of a **sign** shall be erected or maintained except in conformance with the provisions of this Chapter.
 - (2) All **signs** shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of the **sign** (see A.C.C. 3-4-9-5(c) for **Billboard Sign** maintenance provisions).
- (e) Message Substitution
- A non-commercial message may be substituted for a commercial message on any **sign** permitted by this Chapter.
- (f) Prohibited Signs
- The following are prohibited for all on-premise and off-premise signs, unless they qualify as permitted **temporary signs**:
- (1) Strings of exposed light bulbs, pennants or streamers;
 - (2) **Signs** painted on or attached to rocks, trees, or any other natural object, except those **signs** created or erected with the approval of the **County** or an authorized quasi-governmental entity to commemorate a historic event or place;
 - (3) **Signs** that revolve or flash;
 - (4) **Signs** similar in appearance, color, lighting, shape, or size to emergency, railroad, or traffic **signs** or signals;
 - (5) Vehicle **signs**; and
 - (6) **Signs** mounted on **fences**.
- (g) **Projecting Sign** Minimum Clearance
- (1) No **sign** shall be erected upon, maintained in, encroach upon or overhang any public **right-of-way** without the approval of the **Board of Commissioners**, except as expressly provided in this chapter, or by state and federal law.
 - (2) Each **sign** permitted to project over a sidewalk or public **right-of-way** by this chapter shall have a minimum clearance of eight (8) feet above grade.

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(h) **Sign Measurement**

- (1) Radial measurements shall start from the center of the **sign** base at grade, and extend outward in a circular manner for the distance specified.
- (2) Lineal or linear measurements shall start from the center of the **sign** base at grade as projected at a right angle to the nearest **right-of-way** line, and then extend as stated in the applicable **sign** standard.
- (3) **Sign height** shall be determined by measuring the distance between the lowest grade level within two feet of either side of the base of the **sign**, and the highest part of the **sign** or its supporting **structure**.
- (4) **Sign area** measurements shall include the **sign** face and any portion of the **sign structure** with words, logos, pictures, or symbols intended to be read by the public, but shall not include portions of the **sign structure** that do not include such words, logos, pictures or symbols.
- (5) **Sign area** measurements for **changeable copy** shall not include a border up to 4 inches in width designed to enclose the **changeable copy** provided that **changeable copy** does not appear on the border area.
- (6) The area of a V-type **sign** not exceeding an angle of 60 degrees shall be calculated on one face of the **sign** only.
- (7) **Sign** illumination is measured in **candelas** per square meter, also known as “**nits**”, as measured at the **sign** face.

(i) **Pre-existing Signs**

Any on-premise or **off-premise sign**:

- (1) That was legally erected in compliance with a former **sign** regulation ordinance in effect prior to the effective date of this ordinance; and
- (2) That is not the subject of a notice of **violation** issued by the **County** prior to the effective date of this ordinance; and
- (3) Which is not in compliance with the standards in this ordinance; and
- (4) For which the **owner** has filed an application for registration of the **sign** prior to one year after the effective date of this ordinance, shall be deemed to be a conforming **sign** and shall not be subject to enforcement or penalties under A.C.C. 3-5-5 for any aspect of the **sign** that met the **sign** regulations applicable at the time the **sign** was erected but that does not meet the **sign** standards in this ordinance.

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(j) Nonconforming **Signs**

- (1) Any **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, but that no longer complies with the provisions of this ordinance, is a nonconforming **sign** subject to the provisions of this A.C.C. 3-4-9-6(j).
- (2) A digital **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, and that continues to comply with the standards of this ordinance regarding the physical **structure** and location of the **sign**, but that is found to be in **violation** of this ordinance regarding the digital display, shall only be a nonconforming **sign** if the digital display cannot be reprogrammed to bring the digital display into compliance with this ordinance.
- (3) Reasonable repairs, alterations, and conversions may be made to nonconforming non-billboard **signs** as long as the location of the **sign** is not changed and the height or area of the **sign** is not increased. In addition:
 - (A) If the **sign** is covered, it can be re-used; or
 - (B) If the cabinet is removed, a new cabinet can be placed on the existing pole, provided the cabinet complies with the current **zoning district** square footage limitation; or
 - (C) If the pole is removed then the entire **sign** has to be brought into compliance.
- (4) If any nonconforming **sign** is hereafter damaged by any means, including an act of God, and the damage exceeds 50% of the replacement value of the **sign**, as documented in writing by an established **sign** repair firm, the **sign** may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.
- (5) If the **primary structure** on a **lot** or **parcel** is demolished any nonconforming **sign** on the **lot** or **parcel** shall be removed, repaired, or reconstructed so as to comply with the **sign** regulations for new **signs** in the **district** where the property is located.

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Chapter 10 Roadway Easements

3-4-10-1 Establishment

Pursuant to A.C.C. 3-3-3-3(b)(1)(B), requiring that a **parcel** have its principal **frontage** on a **public street** or an approved, recorded **roadway easement**, the **Zoning Administrator** shall have the power to review and approve private **roadway easements** for **exempt divisions of land** under A.C.C. 3-3-3-3(b). The **roadway easement** shall be in a form acceptable to the **Zoning Administrator** and shall meet the requirements of this Chapter.

3-4-10-2 Application

A **person** wishing to **subdivide** land pursuant to A.C.C. 3-3-3-3(b) shall apply to the **Zoning Administrator** for review and approval of a **roadway easement** that will provide access to any **parcel** created by the exempt division which does not have the required **minimum lot width** on an improved **public street**. A **roadway easement** shall also be required to provide access to any legally created existing **parcel** which does not have the required minimum width on an improved **public street**. The **person** shall submit the following information with the application for review and approval by the **Zoning Administrator**:

- (a) A boundary survey that is certified to a date not more than six (6) months prior to the date of application, prepared and certified by a surveyor licensed in the State of Indiana, showing and describing:
 - (1) the real estate that will be subject to the exempt division; and
 - (2) the location and number of tax **parcels** located on the real estate at the time of filing the application; and
 - (3) the location and legal description of the proposed **roadway easement**; and
 - (4) the location of existing **driveways** within 60 feet of the proposed **roadway easement**.
- (b) A copy of the last deed or deeds of record for the real estate subject to the exempt division; and
- (c) The original proposed **roadway easement** instrument in a form approved by the **Commission** that will be recorded against the real estate establishing the proposed **roadway easement**. As part of the **easement** document, the **easement** shall expressly the limit the **roadway easement** to serve only one **parcel**.

3-4-10-3 Review

The **Zoning Administrator** shall consider the following in determining whether to approve a **roadway easement**:

- (a) The **roadway easement** shall provide access to no more than one (1) **parcel**. The **parcel** shall conform with A.C.C. 3-3-3 and be a legally created **parcel** in compliance with this ordinance.
- (b) The **roadway easement** shall provide access from the **parcel** to an existing improved **public street**; a **roadway easement** may be approved to provide access from an existing subdivision stub **street** to a **parcel**.
- (c) The **parcel** across which the **roadway easement** is being dedicated shall meet the **minimum lot width** and area requirements.
- (d) The **roadway easement** shall be a minimum of 25 feet wide.

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- (e) The near edge of a **roadway easement** shall be at least 60 lineal feet (on the same side of the **public street**) from the near edge of the closest access **easement** or **public street** intersection.
- (f) The applicant for the **roadway easement** shall have received the necessary approvals from the Allen **County** Surveyor's Office, Allen **County** Highway Department, and the Fort Wayne-Allen **County Department of Health**, or obtained a statement from these agencies that no approval is necessary.
- (g) The **roadway easement** may be contained on the **lots** or **parcel** to be served, or located across a **lot** or **parcel** which will not use the **roadway easement**.
- (h) The **roadway easement** shall not be named.
- (i) There shall not be any **obstruction**, either temporary or permanent of the **roadway easement**.

3-4-10-4

Approval

- (a) The **Zoning Administrator** shall approve or deny a **roadway easement** in writing, stating the reasons for approval or disapproval.
- (b) After approval, the **roadway easement**, the survey and the **roadway easement** instrument shall be recorded with the Allen **County Recorder's** Office:
 - (1) no later than 30 days after the **Zoning Administrator's** decision becomes final and non-appealable; and
 - (2) prior to the issuance of any **Improvement Location Permits** for the **parcel**.
- (c) The **Zoning Administrator** shall issue no **Improvement Location Permits** for construction of any **structure** on any **lot** or **parcel** that does not have an approved **roadway easement** to an existing public roadway, unless the **parcel** meets the minimum **lot width** and area requirements of the **district** where the **parcel** is located.

3-4-10-5

Additional Provisions

- (a) **Changes to Approved Easements**

Any change or modification of an approved, recorded **roadway easement** must first be approved by the **Zoning Administrator** under this Chapter.
- (b) **Nonconforming Easements**

Previously approved and existing private roadway/access **easements** for legally created **lots** or **parcels** under A.C.C. 4-1-2-2 shall be considered **nonconforming uses** under this ordinance.
- (c) **Easements Serving Multiple Parcels**

Any access/**roadway easement** which is proposed to serve more than one **parcel** shall be submitted, reviewed, approved through the **minor plat** process as set forth in A.C.C. 3-3-3-5, and meet the applicable **minor plat** standards as set forth in A.C.C. 3-4-4.

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Chapter 11 Airport Overlay Districts

3-4-11-1 Purpose

The purpose and intent of the **Airport Overlay Districts (AODs)** is to:

- (a) Promote the public health, safety, convenience, and general welfare of the residents surrounding the Fort Wayne International **Airport (FWA)** and Smith Field **Airport (SMD)**; and
- (b) Protect the approaches to each **airport** and surrounding **airspace** from encroachment and limit the exposure of impacts to **persons**, property, and facilities in proximity to each **airport**, located within the areas encompassed by each **AOD**.
- (c) Protect state, federal, and local investment in FWA and SMD and surrounding facilities;
- (d) Impose land **use** controls, which shall be in addition to the existing underlying zoning classifications, to maintain a compatible relationship between **airport** operations and existing and future land **uses** within each **AOD** as defined in A.C.C. 3-4-11-4(a);
- (e) Regulate and restrict the height of **structures** and **objects of natural growth**, concentrations of people (density), visual **obstructions** (such as dust, smoke, and steam), electrical navigational interference, noise sensitive land **uses**, and wildlife and bird attractants;
- (f) Implement recommendations developed in the Fort Wayne International **Airport Master Plan** and the Smith Field **Airport Master Plan**;
- (g) Promote compatible land **uses** while respecting the physical characteristics of the area, each **airport**, and surrounding property;
- (h) Regulate and restrict **building** sites, placement of **structures**, and land **uses** by separating conflicting land **uses** and prohibiting certain land **uses** that would be detrimental to **airport** operations, **navigable airspace**; and
- (i) Provide a uniform basis for the implementation and administration of sound **airport** protection regulations for all areas within each **AOD**.

3-4-11-2 Jurisdiction

The jurisdiction of the **AOD** for each **airport** shall extend over all lands and water within the jurisdictional boundary as defined in A.C.C. 3-4-11-4(a) shown in **Figure 1 (Smith Field Airport Overlay Areas map)** and **Figure 2 (Fort Wayne International Airport Overlay Areas map)**, as those boundaries now exist and as they are amended in the future.

3-4-11-3 Applicability

The **Airport Overlay District** regulations of the **AODs** shall apply to:

- (a) All properties within the two (2) mile **buffer** area around Smith Field **Airport** (Areas 1, 2, 3, and 4);
- (b) To all properties within the six (6) mile area **buffer** around Fort Wayne International **Airport** (Areas 1, 2, 3, 4, and 5); and
- (c) To all properties within the four Area 6 areas in the 10 mile **buffer** area around Fort Wayne International **Airport**.

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3-4-11-4

Areas to be Regulated

(a) **Airport Overlay Areas**

The Fort Wayne International **Airport AOD** and the Smith Field **AOD** have specific **Airport Overlay Areas (AOAs)** within each which correspond to the nature of the aircraft operations at FWA and SMD, respectively. All FWA and SMD **AOAs** established by this ordinance are shown on **Figure 1 (Smith Field Airport Overlay Areas map)** and **Figure 2 (Fort Wayne International Airport Overlay Areas map)** on file in the office of the **Department of Planning Services (DPS)**. No land **use** shall be allowed nor shall any **building** or **structure** constructed, altered, located, or permitted which creates hazards for aircraft, **airport** operational and **aircraft overflight areas** for FWA and SMD, as well as nearby properties. For the purposes of this ordinance, the areas of Fort Wayne and Allen **County** under the jurisdiction of the **AODs** are hereby divided into the areas below as shown in **Figure 1** and **Figure 2**. The FWA **AOD** includes **AOAs** 1 through 6. The SMD **AOD** includes **AOAs** 1 through 4. **Table 1** and **Table 2** provide the general dimensions for the various **FAR Part 77 Surfaces** as well as the **Runway Protection Zones (RPZs)** that are used to generate the **AOAs**.

Six **buffer** areas are used to describe the **AOAs**. Each **buffer** was generated by overlapping circles measured from each existing and future **runway** end to create essentially oblong areas that are based upon several dimensions of radii. SMD **uses** a two (2) mile radius **buffer** area to create its **AOAs**. FWA **uses** three (3), six (6), and ten (10) mile radius **buffer** areas to create its **AOAs**.

(1) Area 1 (Inner Safety Area)

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

(A) Area 1A (**Runway Protection Zone**)

The trapezoidal area located directly off the end of each existing or proposed **runway** that is established by the **FAA**. Additional requirements for **development** within this subset of Area 1 are listed in A.C.C. 3-4-11-5.

(2) Area 2 (Horizontal Area)

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

(3) Area 3 (Outer Conical Area)

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

(4) Area 4 (Outer Approach Area)

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

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(5) Area 5 (Extended Conical Area)

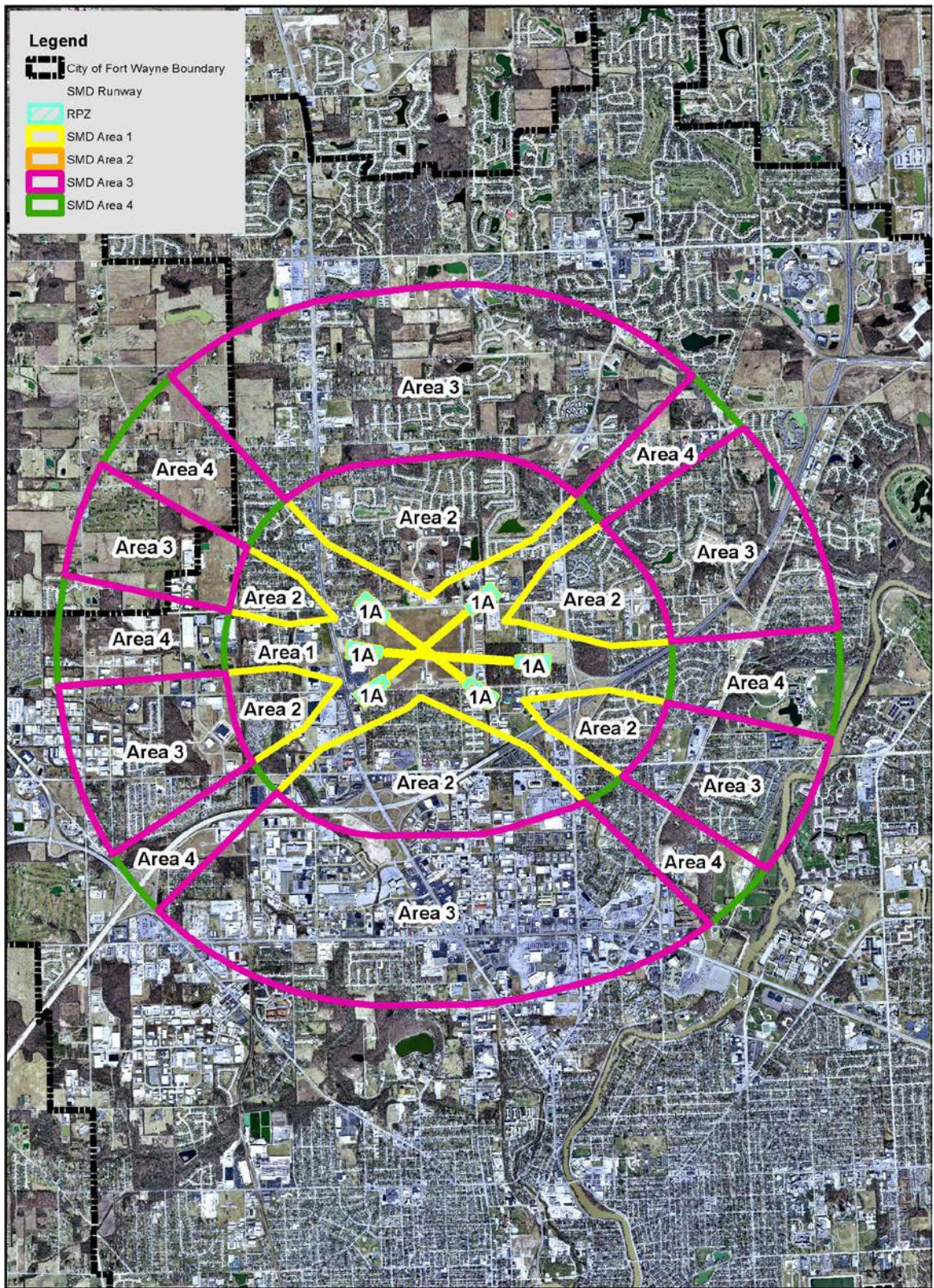
Area 5 applies only to the FWA **AOD**. This area includes the area between the three (3) mile **buffer** and the six (6) mile **buffer**, outside of the Outer Approach Area (Area 4).

(6) Area 6 (Extended Approach Area)

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

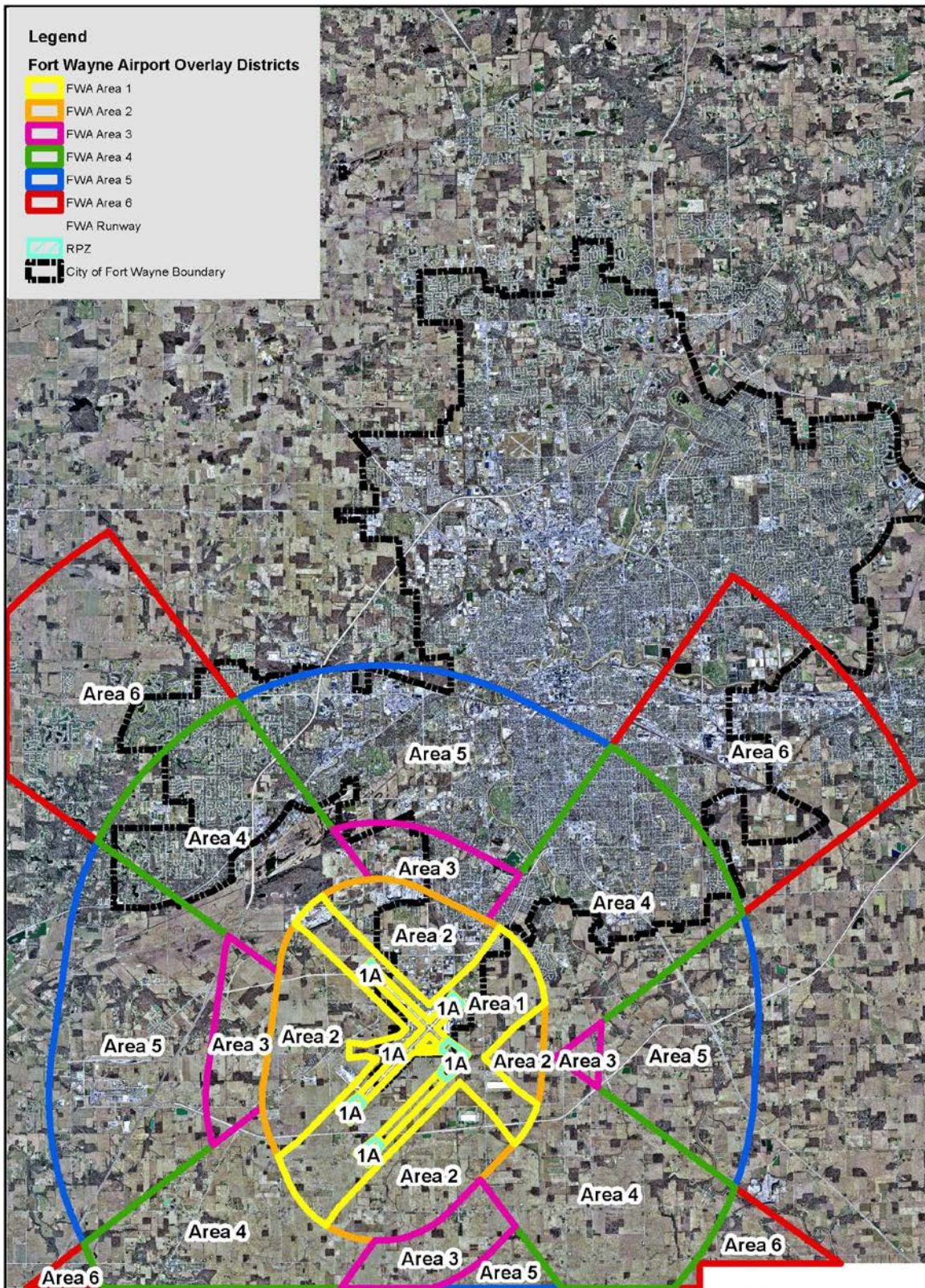
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FIGURE 1: SMITH FIELD AIRPORT OVERLAY AREAS



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FIGURE 2: FORT WAYNE INTERNATIONAL AIRPORT OVERLAY AREAS



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(b) Compliance

Any **development** or **use** within the areas regulated by an **AOD** shall be in compliance with the terms of this ordinance, and other applicable local, state and federal regulations.

- (1) Any existing **use** in an **AOD** will be permitted to remain, unless an expansion, reconstruction or change in use is requested; at which time, the use will be subject to A.C.C. 3-4-11-5 (General **Development** and Land **Use** Requirements).
- (2) Any future use of property in an **AOD** shall comply with A.C.C. 3-4-11-5 (General **Development** and Land **Use** Requirements).
- (3) Any future **use** or **development** of property included in Table 3 of this chapter or otherwise not permitted by this ordinance shall be prohibited (even if the **use** is permitted in the existing underlying **zoning district**) unless the proposed **development** is in compliance with the criteria in A.C.C. 3-4-11-5 (General **Development** and Land **Use** Requirements) or is reviewed through the **Airport** Determination process, and the **Board of Zoning Appeals** approves a **special use** or other approval for the **use** or **development**.

(c) Abrogation and Greater Restrictions

The **AODs** are not intended to repeal, abrogate, annul, impair, or interfere with any existing **easements**, covenants, or deed restrictions. However, wherever an **AOD** imposes greater restrictions, the provisions of the **AOD** shall govern. The establishment of the **AODs** shall not preclude the **Airport Authority** from pursuing additional actions per IC 8-22-3-14, which allows for the provision of free air space for the safe descent and ascent of aircraft and for the proper and safe use of an **airport** or **landing field** acquired or maintained under said chapter.

(d) Warning and Disclaimer of Liability

The degree of protection provided by the **AODs** relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes. This ordinance does not imply that land **uses** within the vicinity of FWA and SMD will be free from aircraft **noise impacts**, aircraft operations, and aircraft overflights. Nor does this ordinance create liability on the part of, or a cause of action against, FWA, SMD, the City of Fort Wayne, Allen **County**, or any officer or employee thereof, for incidents that may result from reliance on this ordinance.

3-4-11-5 General **Development** and Land **Use** Requirements

- (a) If the height of any proposed **buildings** or **structures** exceed 40 feet in Areas 1, 2, and 4; 75 feet in Areas 3, 5, and 6; or if the **building** or **structure** is located in Area 1A, the **building** or **structure** shall require review by **Airport Authority** staff through the **Airport** Determination process; the **building** or **structure** may also require the submittal of an **FAA 7460-1** form and receipt of an Indiana Tall **Structure** Permit, before the issuance of an **Improvement Location Permit**.
- (b) All proposed site lighting fixtures shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) **full-cutoff** style fixture with an angle not exceeding 90 degrees to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.

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- (c) In Areas 1, 2, 3, and 4, no new pond or similar permanent water body shall be permitted unless a wildlife **mitigation** plan has been approved or determined to be unnecessary by the Fort Wayne **Airport Authority** staff.
- (d) In Areas 1, 2, 3, and 4, smoke, dust, steam or particulate matter or airborne material of any kind shall be controlled so that it is not detrimental to or does not endanger the visibility of pilots during landing, taking-off or maneuvering of aircraft
- (e) No **glare** from site activities or **building** materials which could affect the vision of pilots using the **airport** shall be permitted.
- (f) Exterior **solid waste** disposal facilities shall be contained and covered to minimize sources of food for wildlife.

3-4-11-6

Land Use Restrictions and Limitations

(a) Height Limitations

The heights of **buildings, structures** and **objects**, both man-made and **natural growth**, shall be limited to the height limits set forth in the applicable **zoning district**.

(b) Construction, **Development**, and **Use** Limitations and Restrictions

(1) Existing **Uses**

All existing land **uses** allowed by the current zoning classifications, within an **Airport Overlay District** shall be permitted to remain, subject to all applicable federal, state, and local requirements. Nothing contained in this ordinance shall require the removal of or any change to the construction, location, or operation of any existing **use**; this includes the construction, alteration, or **use** of property or structural improvements lawfully in existence at the time of the effective date of this ordinance, or which commenced prior to the effective date of this ordinance, and has been completed or is being diligently pursued.

(2) Reconstruction

The **owner** of any existing **building, structure**, or **use** which as a result of fire, flood, explosion, or other casualty is destroyed, or is demolished by the **owner**, shall be permitted to rebuild, reconstruct, or repair the same **use** on the same **parcel**, provided that:

- (A) The requested reconstruction complies with A.C.C. 3-4-11-5 (General **Development** and Land **Use** Requirements); or
- (B) The requested reconstruction has been reviewed and approved through the **Airport** Determination process; however, the request may also be denied by the **Board of Zoning Appeals, Plan Commission** or **Zoning Administrator** if determined to be incompatible.

(3) Expansion

Any existing **building, structure**, or **use** may be expanded, altered, or otherwise enlarged provided that:

- (A) The requested expansion complies with A.C.C. 3-4-11-5 (General **Development** and Land **Use** Requirements); or
- (B) The requested expansion has been reviewed and approved through the **Airport** Determination process; however, the request may also be denied by

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the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** if determined to be incompatible.

(4) **Change of Use**

Any existing **building, structure, or use** may be changed to a different **use**, provided that:

- (A) The proposed **use** complies with A.C.C. 3-4-11-5 (General **Development** and Land Use Requirements); or
- (B) The proposed **use** has been reviewed and approved through the **Airport** Determination process; however, the request may also be denied by the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** if determined to be incompatible.

(5) **New Buildings, Structures, or Land Uses and Exceptions**

Any future new **buildings, structures, and/or uses** within an **AOD** shall comply with A.C.C. 3-4-11-5 (General **Development** and Land Use Requirements) and **Table 3 (Airport Overlay District Special Uses)**, except that a **development** which supports the aeronautical **use**, such as an **FAA** communication tower; fuel **storage** facility; **gas station, hotel/motel, museum, solar panels, truck fueling station, educational institution** shall be permitted, provided the **use** complies with the applicable provisions of A.C.C. 3-4-11-5.

(6) **Hazard Marking and Lighting**

Building approval may, if such action is deemed advisable by the FWA/SMD **Airport Authority** and/or the **FAA**, require the **owner** of a **structure** or trees, to install, operate, and maintain thereon such markers, light, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the owners expense.

(7) **Prohibited Buildings, Structures, or Uses**

The following **buildings, structures, and uses** shall be prohibited:

- (A) Any **building or structure** that would exceed the height limits set forth in the applicable **zoning district**, unless the **building or structure** is reviewed by **Airport Authority** staff, and approved by the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as necessary.
- (B) Any **use** that is not permitted either according to **Table 3 (Airport Overlay District Special Uses)** or is otherwise not a permitted **use**, unless a **special use** or other **use** approval is approved by the **Board of Zoning Appeals**.
- (C) Any **building, structure, or use** which is determined by the **FAA** to create a safety hazard for aircraft operations, through either an **FAA 7460-1 airspace** analysis or another **FAA** review process.

3-4-11-7

Development Approval Requirements and **Airport** Determination Process

If the property is located in either of the **AODs**, **DPS** staff shall hold a pre-application meeting with the applicant and **airport** staff prior to the submission of a request for a new **building, structure, or use**, or for a reconstruction, expansion, or **Change of Use** as set forth in A.C.C. 3-4-11-5(b).

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- (a) If the request is for a request to reconstruct or expand an existing **use**, the request shall be evaluated for compliance with A.C.C. 3-4-11-5 (General **Development** and Land Use Requirements).
- (1) If the **use** complies with A.C.C. 3-4-11-5, the request shall be deemed approved by **Airport Authority** staff.
 - (2) If the **use** does not comply with A.C.C. 3-4-11-5, the applicant/**owner** shall meet with **Airport Authority** staff to discuss and address compatibility issues. The **airport** will issue an **Airport** Determination Letter (ADL) with a recommendation of support or denial of the request. The ADL shall be forwarded to the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as applicable for consideration as part of the appropriate decision making process.
- (b) If the request is for a future **use** (i.e. new **development**, or change in existing **use**), **Table 3 (Airport Overlay District Special Uses)** and the other permitted **use** provisions of this ordinance shall be referenced to determine whether the **use** is a permitted **use** based upon its location in one of the **Airport Overlay Areas**.
- (1) If the **use** is determined to be permitted and complies with A.C.C. 3-4-11-5, the request may be approved by **DPS** staff;
 - (2) If the **use** is determined to be a permitted **use** but the request does not comply with A.C.C. 3-4-11-5, the applicant **owner** shall meet with **Airport Authority** staff to discuss and address compatibility issues. The **airport** will issue an **Airport** Determination Letter (ADL) with a recommendation of support or denial of the request. The ADL shall be forwarded to the **Board of Zoning Appeals, Plan Commission, or Zoning Administrator** as applicable for consideration as part of the appropriate decision making process.
 - (3) If the **use** is determined to not be a permitted **use**, the proposed **development** shall not be permitted unless a **special use** or other approval is granted by the **Board of Zoning Appeals**. If a **special use** or other BZA approval request is filed, the property **owner** shall meet with **airport** staff for review and coordination to address compatibility issues prior to the BZA public hearing on the request. The **airport** will issue an ADL that either supports or denies the **development**. The ADL will be forwarded to the BZA for use in making its decision. This process shall apply to all **contingent use, special use, Use Variance, and height Development Standards Variance** requests to the **Board of Zoning Appeals** for property within an **Airport Overlay area**.
- (c) For all requested **buildings, structures, or uses** that require an **Airport** Determination Letter (ADL), the request shall be evaluated based on the:
- (1) Likelihood to create a **significant** concentration of people (density and intensity);
 - (2) Likelihood to create visual **obstructions** through the creation of smoke, steam, dust, lighting or other **obstruction(s)** that would adversely affect aircraft operational areas and **airspace**; and specifically the proximity to the ends of **runways, runway** surfaces and extended **runway** centerlines;
 - (3) Likelihood for noise sensitivity; when necessary, **building** construction methods that reduces **airport**-related noises may be recommended or required;

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- (4) Likelihood to attract wildlife with water bodies; when necessary, methods for designing water bodies to drain within 48 hours, putting water detention underground, landscaping, and other **mitigation** techniques to discourage entry and exit to the water body maybe recommended or required. The **airport** shall have the right to include deed restrictions or restrictive covenants to authorize **airport** to manage/mitigate wildlife issues, which will be at the property **owner's** expense;
- (5) Likelihood to create **wildlife attractants** other than bodies of water;
- (6) Proposed **storage** of flammable or hazardous materials as defined by the International **Building Code**;
- (7) Proximity to **airport** surfaces (**FAR Part 77 Surfaces**, extended **runway** centerline, etc.)

3-4-11-8 Administration

In addition to the powers and duties in A.C.C. 3-5-2 (**Zoning Administrator**), the **Zoning Administrator** shall have the following powers and duties in the administration of this chapter:

- (a) Approving requests that are permitted **uses** and comply with A.C.C. 3-4-11-5 (General **Development** and Land Use Requirements);
- (b) Inspecting any **building** site or improvement or **use** of land as required by this ordinance;
- (c) Maintaining a record of approvals, denials, **conditions** of approvals, inspections, and public proceedings; and
- (d) After consultation with **Airport Authority** staff, determining what additional information would be necessary to be submitted with a request under this chapter to allow review staff to conduct an adequate review of a request.

Table 1 - Runway Protection Zone Dimensions for SMD and FWA							
Approach Visibility Minimums ⁽¹⁾	Facilities Expected to Serve	Dimensions				FWA Runways	SMD Runways
		Length L feet (meters)	Inner Width W ₁ feet (meters)	Outer Width W ₂ feet (meters)	RPZ acres		
Visual and not lower than 1-Mile (1,600m)	Aircraft Approach Categories A & B	1,000 (300)	500 (150)	700 (210)	13.770	09 and 27	05, 23, 13, and 31
Not lower than ¾-mile (1,200m)	All Aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978	14 and 23	
Lower than ¾-mile (1,200 m)	All Aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914	05 and 32	

Notes: (1) The **RPZ** dimensional standards are for the **runway** end with the specified approach visibility minimums. The departure **RPZ** dimensional standards are equal to or less than the approach **RPZ** dimensional standards. When an **RPZ** begins other than 200 feet (60m) beyond the **runway** end, separate approach and departure **RPZs** should be provided. Refer to **FAA AC 150/5300-13A** for approach and departure **RPZs**.

Source: **FAA AC 150/5300-13, Airport Design Standards**

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Table 2 - FAR Part 77 Dimensions for SMD and FWA

Dimensions	Item	Dimensional Standards (Feet) for Runway Classifications <i>(see legend below)</i>			
		Visual Runway	Non-Precision Instrument Runway		Precision Instrument Runway*
			A	B	
		A	A	B	D
A	Primary surface width and approach surface width at inner end	250	500	1,000	1,000
B	Horizontal surface radius	5,000	5,000	10,000	10,000
C	Approach surface end width	1,250	2,000	4,000	16,000
D	Approach surface length	5,000	5,000	10,000	10,000
E	Approach slope	20:1	20:1	34:1	*
F	Conical surface width	4,000	4,000	4,000	4,000
G	Transitional surface slope	7:1	7:1	7:1	4,000
FWA Runways ⁽¹⁾		09 and 27		14 ⁽²⁾ and 23	05 and 32
SMD Runways		05, 23 and 31	13		
<p>Runway Classification Legend</p> <ul style="list-style-type: none"> A – Utility runway. B – Runway larger than utility. C – Visibility minimums greater than ¾ of a mile. D – Visibility minimums as low as ¾ of a mile. * – Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet. 					
<p>Notes:(1) At ordinance adoption, FWA had three runways - Runway 5/23, Runway 14/32, and Runway 9/27; however FWA’s Airport Layout Plan (ALP) shows an ultimate plan to construct a fourth runway – Runway 5R/23L which would have a precision approach on both runway ends. Therefore in order to protect the airspace for precision approaches to both ends of the future runway, the Airport Overlay Areas (specifically Area 4 and Area 6) incorporate the additional area that will become part of the precision approaches for Runway 5R/23L in the future.</p> <p>(2) At ordinance adoption, Runway 14 at FWA had a non-precision approach, however it is a goal of the airport administration to establish a precision approach for this runway in the future; therefore in order to protect the airspace for this anticipated approach, the Airport Overlay Areas (specifically Area 4 and Area 6) incorporate the additional area that will become part of the precision approach for Runway 14 in the future.</p>					
Source: <i>FAR Part 77 Object Affecting Navigable Airspace</i> , FWA Airport 5010 Form, SMD Airport 5010 Form					

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3-4-11-9

In the Areas established within the **Airport Overlay Districts**, in addition to the **special uses** set forth in A.C.C. 3-5-3-4, the following **uses** shall require approval of a **special use** from the **Board of Zoning Appeals**, even in cases where the **use** is a permitted **use** in the existing underlying **zoning district**.

TABLE 3 – AIRPORT OVERLAY DISTRICT SPECIAL USES	
Area 1 and Area 2	Area 3
Assisted living facility	Manufactured home park
Arena	Recycling collection point
Batting cages	
Campus housing	Area 4
Country club	Arena
Day care center	Batting cages
Fireworks sales	Fireworks sales
Fuel storage facility	Fuel storage facility
Gas station	Golf course (including driving range)
Golf course (including driving range)	Hospital
Group residential facility	Manufactured housing park
Hospital	Propane/bottled gas facility
Hotel	Recreation uses, outdoor
Manufactured home park	Recycling collection point
Motel	Stadium/racetrack
Multiple family complex	Subdivision plat
Multiple family dwelling	Swim club (outdoor)
Museum	Theater (outdoor)
Park/recreation area	Tennis club (outdoor)
Propane/bottled gas facility	
Radio station	Area 5
Recreation uses, outdoor	Manufactured home park
Recycling collection point	
Religious institution	
Residential facility for the developmentally disabled	
Residential facility for the mentally ill	
Retirement facility	
Salvage yard	
Single family dwelling (Area 1 only)	
Solid waste transfer station	
Stadium/racetrack	
Subdivision plat	
Swim club (outdoor)	
Television station	
Tennis club (outdoor)	
Theater (outdoor)	
Truck fueling station	

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Chapter 12 Floodplain

3-4-12-1 Statutory Authorization, Findings of Fact, Purpose, and Methods

(a) 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 Board of County Commissioners of Allen County does hereby adopt the following **floodplain management regulations**.

(b) Findings of Fact

The **flood hazard areas** of Allen County 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.

(c) Statement of Purpose

It is the purpose of this chapter 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:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly **flood** control projects;
- (3) Minimize the need for rescue and relief efforts associated with **flooding** and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in **floodplains**;
- (6) 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;
- (7) Ensure that those who occupy the areas of special **flood** hazard assume responsibility for their actions;
- (8) Minimize the impact of **development** on adjacent properties within and near **flood prone areas**;
- (9) Ensure that the **flood** storage and conveyance functions of the **floodplain** are maintained;
- (10) Minimize the impact of **development** on the natural, beneficial values of the **floodplain**;
- (11) Prevent **floodplain** uses that are either hazardous or environmentally incompatible; and
- (12) Meet **community** participation requirements of the National **Flood** Insurance Program.

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

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

- (1) 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;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against **flood** damage at the time of initial construction;
- (3) Controlling the alteration of natural **floodplains**, stream channels, and natural protective barriers, which help accommodate or channel **flood** waters;
- (4) Controlling filling, grading, dredging, excavating, and other **development** which may increase **flood** damage; and
- (5) Preventing or regulating the construction of **flood** barriers, which will unnaturally divert flood, waters or which may increase **flood** hazards in other areas.

3-4-12-2

Definitions

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

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).

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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 chapter, 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."

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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.

ALLEN COUNTY ZONING ORDINANCE

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**”)

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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**.

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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 Chapter)

The exceptional **hardship** that would result from a failure to grant the requested **variance**. The Allen County 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 Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- (4) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (5) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs, such as a designation as a contributing resource in a historic district listed in the Fort Wayne Cultural Resources Survey.

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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's** 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 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's** 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**.

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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 parcels) 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**.

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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.

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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 chapter. 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 County 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**

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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 chapter; and is not wider than ten (10) feet nor longer than twenty (20) feet.

Variance

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

Violation

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

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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.

3-4-12-3

General Provisions

(a) Lands to Which This Chapter Applies

This chapter shall apply to all areas of special **flood** hazard (**SFHAs**) within the jurisdiction of Allen County, Indiana as identified in A.C.C. 3-4-12-3(b), including any additional areas of special **flood** hazard annexed by Allen County, Indiana.

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

- (1) The **regulatory flood** elevation, **floodway**, and **fringe** limits for the studied **SFHAs** within the jurisdiction of Allen County, 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.
- (2) The **regulatory flood** elevation, **floodway**, and **fringe** limits for each of the **SFHAs** within the jurisdiction of Allen County, 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.
- (3) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of Allen County 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.

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- (4) The **regulatory flood** elevation for each **SFHA** of a public freshwater water lake with the jurisdiction of Allen County 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.
 - (5) 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.
 - (6) 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**.
- (c) Establishment of **Floodplain Development** Permit
- A **Floodplain Development** Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any **development** activities in areas of special **flood** hazard.
- (d) Compliance
- (1) No **structure** shall hereafter be located, extended, converted or structurally altered within the **SFHA** without full compliance with the terms of this chapter and other applicable regulations.
 - (2) 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 chapter 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**.
 - (3) No land or stream within the **SFHA** shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.
- (e) Abrogation and Greater Restrictions
- This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) Discrepancy between Mapped **Floodplain** and Actual Ground Elevations
- (1) In cases where there is a discrepancy between the mapped **floodplain (SFHA)** with **base flood elevations** provided (**riverine** or lacustrine Zone AE) on the

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FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

- (2) 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.
- (3) 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.

(g) Interpretation

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(h) Warning and Disclaimer of Liability

The degree of **flood** protection required by this chapter 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 chapter does not create any liability on the part of Allen County, the Indiana Department of Natural Resources, or the State of Indiana, for any **flood** damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(i) 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 chapter. All **violations** shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Allen County. All **violations** shall be punishable by a fine not exceeding \$2,500.00.

- (1) A separate offense shall be deemed to occur for each day the **violation** continues to exist.
- (2) The Allen County 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.
- (3) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any **violations**. All costs connected therewith shall accrue to the person or persons responsible.

3-4-12-4

Administration

(a) Designation of Administrator

The Allen County Plan Commission of the County of Allen hereby appoints the Allen County Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the **Floodplain** Administrator.

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(b) **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:

(1) Application Stage

- (A) A description of the proposed **development**;
- (B) Location of the proposed **development** sufficient to accurately locate property and **structure(s)** in relation to existing roads and streams;
- (C) A legal description of the property site;
- (D) A site **development** plan showing existing and proposed **development** locations and existing and proposed land grades;
- (E) 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**;
- (F) 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;
- (G) 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**;
- (H) Plans showing elevation (in **NAVD 88**) to which any non-residential **structure** will be floodproofed;
- (I) Plans showing location and specifications for **flood** openings for any proposed **structure** with **enclosed areas** below the **flood protection grade**;
- (J) Plans showing materials to be used below the **flood protection grade** for any proposed **structure** are **flood** resistant;
- (K) Plans showing how any proposed **structure** will be anchored to resist flotation or collapse;
- (L) 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**;

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- (M) 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 A.C.C 3-4-12-4(c)(8) and A.C.C. 3-4-12-4(e) for additional information).
 - (N) 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 chapter.
- (2) Construction Stage
 - (A) 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.
 - (3) Finished Construction
 - (A) 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.
 - (B) 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.
 - (C) 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.
- (c) 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 chapter. The administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

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

- (1) Enforce the provisions of this chapter.
- (2) Evaluate application for permits to develop in **special flood hazard areas** to assure that the permit requirements of this chapter have been satisfied.

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- (3) Interpret **floodplain** boundaries and provide **flood** hazard and **flood** protection elevation information.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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:
 - (A) Verify and document the **market value** of the pre-damaged or pre-improved **structure**;
 - (B) 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**;
 - (C) 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
 - (D) 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 A.C.C. 3-4-12-5 are required.
- (8) 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**.
- (9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all **development** projects subject to A.C.C. 3-4-12-

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- 5(a)(1), A.C.C. 3-4-12-5(a)(3)(A), and A.C.C. 3-4-12-5(a)(4). Maintain a record of such authorization (either copy of actual permit/authorization or **floodplain** analysis/regulatory assessment).
- (10) Verify the upstream drainage area of any proposed **development** site near any **watercourse** not identified on a **FEMA** map to determine if A.C.C. 3-4-12-4(c)(9) is applicable.
 - (11) Assure that maintenance is provided within the altered or relocated portion of said **watercourse** so that the flood-carrying capacity is not diminished.
 - (12) Verify and record the actual elevation of the **lowest floor** (including **basement**) of all new or substantially improved **structures**, in accordance with A.C.C. 3-4-12-4(b).
 - (13) Verify and record the actual elevation to which any new or substantially improved **structures** have been floodproofed in accordance with A.C.C. 3-4-12-4(b).
 - (14) Make on-site inspections of projects in accordance with A.C.C. 3-4-12-4.
 - (15) 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.
 - (16) 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.
 - (17) Provide information, testimony, or other evidence as needed during **variance** hearings.
 - (18) Serve notices of **violations**, issue stop-work orders, revoke permits and take corrective actions in accordance with A.C.C. 3-4-12-4(d).
 - (19) 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 A.C.C. 3-4-12-4(d).
 - (20) Coordinate map maintenance activities and associated **FEMA** follow-up in accordance with A.C.C. 3-4-12-4(e).
 - (21) 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**.
 - (22) 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 chapter.

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- (d) Administrative Procedures
- (1) 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 chapter 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.
 - (2) Stop Work Orders
 - (A) Upon notice from the **floodplain** administrator, work on any **building, structure** or premises that is being done contrary to the provisions of this chapter shall immediately cease.
 - (B) 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.
 - (3) Revocation of Permits
 - (A) The **floodplain** administrator may revoke a permit or approval, issued under the provisions of the chapter, 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.
 - (B) 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 chapter.
 - (4) **Floodplain Management** Records
 - (A) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this chapter 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 chapter; 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 chapter.
 - (B) 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).

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- (5) 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.

(e) Map Maintenance Activities

To meet NFIP minimum requirements to have **flood** data reviewed and approved by **FEMA**, and to ensure that Allen County **flood** maps, studies and other data identified in A.C.C. 3-4-12-3(b) accurately represent **flooding** conditions so appropriate **floodplain management** criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data

- (A) 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:

- (i) **Floodway** encroachments that increase or decrease **base flood elevations** or alter **floodway** boundaries;
- (ii) **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**;
- (iii) 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**.

- (B) 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.

- (C) 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**.

- (D) **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 chapter.

(2) 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

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by the President of County Commissioners of Allen County and may be submitted to **FEMA** at any time.

(3) Annexation / Detachment

Upon occurrence, the **Floodplain** Administrator shall notify **FEMA** in writing whenever the boundaries of the Allen County 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 the Allen County's **Flood Insurance Rate Map** accurately represent the Allen County boundaries, include within such notification a copy of a map of the Allen County suitable for reproduction, clearly showing the new corporate limits or the new area for which the Allen County has assumed or relinquished **floodplain management** regulatory authority.

(f) **Variance** Procedures

- (1) The Board of Zoning Appeals (the Board) as established by the Allen County Plan Commission shall hear and decide **appeals** and requests for **variances** from requirements of this chapter.
- (2) 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 chapter. Any person aggrieved by the decision of the Board may **appeal** such decision to the Allen County Circuit Court.
- (3) In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:
 - (A) the danger to life and property due to **flooding** or erosion damage;
 - (B) the danger that materials may be swept onto other lands to the injury of others;
 - (C) the susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual owner;
 - (D) the importance of the services provided by the proposed facility to the **community**;
 - (E) the necessity to the facility of a waterfront location, where applicable;
 - (F) the compatibility of the proposed use with existing and anticipated **development**;
 - (G) the availability of alternative locations for the proposed use which are not subject to **flooding** or erosion damage;
 - (H) the safety of access to the property in times of **flood** for ordinary and emergency vehicles;
 - (I) the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
 - (J) 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.

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- (4) A written report addressing each of the above factors shall be submitted with the application for a **variance**.
- (5) **Variations** from the provisions of this chapter shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - (A) A showing of good and sufficient cause.
 - (B) A determination that failure to grant the **variance** would result in exceptional **hardship** as defined in A.C.C. 3-4-12-2.
 - (C) 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.
- (6) No **variance** for a residential use within a **floodway** subject to A.C.C. 3-4-12-5(a)(1), A.C.C. 3-4-12-5(a)(3)(A), or A.C.C. 3-4-12-5(a)(4) of this chapter may be granted.
- (7) Any **variance** granted in a **floodway** subject to A.C.C. 3-4-12-5(a)(1), A.C.C. 3-4-12-5(a)(3)(A), or A.C.C. 3-4-12-5(a)(4) of this chapter will require a permit from the Indiana Department of Natural Resources. **Variations** shall not be issued within any designated regulatory **floodway** if any increase in **flood** levels during the **base flood** discharge would result.
- (8) **Variations** to the Provisions for **Flood Hazard Reduction** of A.C.C. 3-4-12-5, 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**.
- (9) **Variations** 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**.
- (10) **Variations** may be issued for **new construction, substantial improvements**, and other **development** necessary for the conduct of a **functionally dependent use**.
- (11) **Variations** shall only be issued upon a determination that the **variance** is the minimum necessary, considering the **flood** hazard, to afford relief.
- (12) Upon consideration of the factors listed above and the purposes of this chapter, the **appeal** board may attach such conditions to the granting of **variations** as it deems necessary to further the purposes of this chapter.
- (13) 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.
- (14) The **Floodplain** Administrator shall maintain the records of **appeal** actions and report any **variations** to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

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3-4-12-5 Provisions for **Flood** Hazard Reduction

(a) **Floodplain** Status Standards

(1) **Floodways (Riverine)**

Located within **SFHAs**, established in A.C.C. 3-4-12-3(b), 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.

- (A) If the site is in a regulatory **floodway** as established in A.C.C. 3-4-12-3(b), 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).
- (B) 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.
- (C) 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.
- (D) 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 A.C.C. 3-4-12-4(e)(1). 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.
- (E) 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

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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.

- (F) For all projects involving channel modifications or **fill** (including levees) the County 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.

(2) **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 chapter have been met.

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

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

- (i) 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.
- (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 chapter have been met.

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

- (i) 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**

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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.

- (ii) Upon receipt, the **Floodplain** Administrator may issue the local **Floodplain Development** Permit, provided the provisions contained in this chapter have been met.

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

- (A) 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.
- (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 article have been met.

(5) **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.

- (A) 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.

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- (B) 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.
- (C) 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.
- (D) 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.

(b) General Standards

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

- (1) All **new construction**, and **substantial improvements** shall be anchored to prevent flotation, collapse or lateral movement of the **structure**;
- (2) **New construction** and **substantial improvements** shall be constructed with materials and utility equipment resistant to **flood** damage below the **FPG**;
- (3) **New construction** and **substantial improvements** must incorporate methods and practices that minimize **flood** damage;
- (4) 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**;
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during **flooding**;

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- (8) Any alteration, repair, reconstruction, or improvements to a **structure** that is in compliance with the provisions of this chapter shall meet the requirements of “**new construction**” as contained in this chapter;
- (9) **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;
- (10) 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 chapter 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**;
- (11) **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;
- (12) 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 **BE** shall be compensated for and balanced by an equivalent volume of excavation taken below the **BE**. 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**.
 - (A) 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.
 - (B) 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.
 - (C) The excavation shall not be subject to ponding when not inundated by floodwater; the excavation volume area shall solely be used for floodwater storage.
 - (D) The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - (E) 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.

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- (F) The **fill** or **structure** shall not obstruct a drainage way leading to the **floodplain**.
 - (G) The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.
 - (H) 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 A.C.C. 3-4-12-5(c)(2)(D) and A.C.C. 3-4-12-5(c)(3)(D).
 - (I) 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.
- (13) Exceptions to Compensation Requirements
- (A) 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;
 - (B) 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:
 - (i) No **fill** shall be placed within 15 feet of a side lot line;
 - (ii) No **fill** shall be placed within 15 feet of a front or rear lot line;
 - (iii) No **fill** shall be placed within 10 feet outside a **floodway** boundary as shown on the **FIRM** map; and
 - (iv) 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).
 - (C) **Fill** placed for any purpose other than for: public **flood** control improvement projects (including a dike or levee); public transportation facilities; or utility collection or transmission lines as permitted in A.C.C. 3-4-12-5(b) above; compensatory storage as permitted in A.C.C. 3-4-12-5(b)(12); or 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.

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(c) Specific Standards

In all areas of special **flood** hazard where **base flood elevation** data or **flood** depths have been provided, as set forth in A.C.C. 3-4-12-3(b) the following provisions are required:

- (1) **Building Protection Requirement.** In addition to the general standards described in A.C.C. 3-4-12-5(b), **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:
 - (A) Construction or placement of a residential **structure**;
 - (B) Construction or placement of a non-residential **structure**;
 - (C) **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;
 - (D) 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);
 - (E) Installing a travel trailer or **recreational vehicle** on a site for more than 180 days;
 - (F) Installing a **manufactured home** on a new site or a new **manufactured home** on an existing site.
- (2) Residential Construction (excluding **manufactured homes**)
 - (A) **New construction** or **substantial improvement** of any residential **structures** shall meet provisions described in A.C.C. 3-4-12-5(a) and applicable general standards described in A.C.C. 3-4-12-5(b).
 - (B) 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 A.C.C. 3-4-12-5(c)(2)(C). Should **fill** be used to elevate a **structure**, the standards of A.C.C. 3-4-12-5(c)(2)(D) must be met.
 - (C) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:
 - (i) 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

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- 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:
- [a] 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;
 - [b] 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;
 - [c] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**;
 - [d] 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**;
 - [e] Doors and windows do not qualify as openings;
 - [f] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- (ii) The floor of such **enclosed area** must be at or above grade on at least one side.
 - (iii) The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.
- (D) A residential **structure** may be constructed on **fill** in accordance with the following
- (i) **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;
 - (ii) **Fill** shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;
 - (iii) **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;
 - (iv) **Fill** shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (E) 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.

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- (3) Nonresidential Construction
- (A) **New construction** or **substantial improvement** of any non-residential **structures** (excludes **accessory structures**) shall meet provisions described in A.C.C. 3-4-12-5(a) and applicable general standards described in A.C.C. 3-4-12-5(b).
- (B) 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 A.C.C. 3-4-12-5(c)(3)(C). Should **fill** be used to elevate a **structure**, the standards of A.C.C. 3-4-12-5(c)(3)(D) must be met.
- (C) Fully **enclosed areas** formed by foundation and other exterior walls below the **flood protection grade** shall meet the following requirement:
- (i) 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:
- [a] 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);
- [b] 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;
- [c] If the floor of the **enclosure** is below the **BFE**, the openings must be located wholly below the **BFE**.
- [d] 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**;
- [e] Doors and windows do not qualify as openings;
- [f] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- (ii) The floor of such **enclosed area** must be at or above grade on at least one side.
- (iii) The interior portion of such **enclosed area** shall not be partitioned or finished into separate rooms.

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- (D) A nonresidential **structure** may be constructed on **fill** in accordance with the following:
- (i) 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;
 - (ii) Shall extend five (5) feet beyond the foundation of the **structure** before sloping below the **BFE**;
 - (iii) 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
 - (iv) Shall not adversely affect the flow of surface drainage from or onto neighboring properties.

- (E) 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.

- (F) 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.

(4) **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:

- (A) These requirements apply to all **manufactured homes** to be placed on a site in the **SFHA**.
- (i) 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.
 - (ii) 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 A.C.C. 3-4-12-5 (C)(2)(e).

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- (iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a **manufactured home** are not required to have openings.
 - (B) **Recreational vehicles** placed on a site in the **SFHA** shall either:
 - (i) 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
 - (ii) Meet the requirements for “**manufactured homes**” as stated earlier in this section.
- (5) **Accessory Structures**

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

 - (A) Shall have a floor area of 400 square feet or less;
 - (B) Use shall be limited to parking of vehicles and limited storage;
 - (C) Shall not be used for human habitation;
 - (D) Shall be constructed of **flood** resistant materials;
 - (E) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (F) Shall be firmly anchored to prevent flotation;
 - (G) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the **FPG**;
 - (H) 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 A.C.C. 3-4-12-5(c)(3)(C); and
 - (I) Shall not have subsequent **additions** or improvements that would preclude the **structure** from its continued designation as an **accessory structure**.
- (6) **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:

 - (A) Shall have open sides (having not more than one rigid wall);
 - (B) Shall be anchored to prevent flotation or lateral movement;
 - (C) Shall be constructed of **flood** resistant materials below the **FPG**;
 - (D) Any electrical, heating, plumbing and other service facilities shall be located at/above the **FPG**;
 - (E) 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**.

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(7) 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 A.C.C. 3-4-12-5(c)(3).

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

- (1) All subdivision proposals and all other proposed new **development** shall be consistent with the need to minimize **flood** damage.
- (2) 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.
- (3) All subdivision proposals and all other proposed new **development** shall have adequate drainage provided to reduce exposure to **flood** hazards.
- (4) 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.
- (5) All subdivision proposals shall minimize **development** in the **SFHA** and/or limit density of **development** permitted in the **SFHA**.
- (6) All subdivision proposals shall ensure safe access into/out of **SFHA** for pedestrians and vehicles (especially emergency responders).
- (7) 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.

3-4-12-6

Severability

If any section, subsection, sentence, clause, or phrase of this chapter 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.

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Chapter 13 Sexually Oriented Businesses

3-4-13-1 Purpose; Findings and Rationale

(a) Purpose

It is the purpose of this ordinance to regulate **sexually oriented businesses** in order to promote the health, safety, and general welfare of the citizens of the **County**, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of **sexually oriented businesses** within the **County**. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings and Rationale

Based on evidence of the adverse secondary effects of adult **uses** presented in hearings and in reports made available to the **Board of Commissioners**, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 889 F.3d 432 (7th Cir. 2018); *BBL, Inc. v. City of Angola*, 2014 WL 26093 (N.D. Ind. Jan. 2, 2014), *aff'd*, *BBL, Inc. v. City of Angola*, 809 F.3d 317 (7th Cir. 2015); *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 265 F. Supp. 3d 873 (S.D. Ind. 2017); *1407, LLC v. City of Fort Wayne*, 2019 WL 341239 (N.D. Ind. 2019); *Uniontown Retail #36, LLC v. Bd. of Comm'rs of Jackson County*, 950 N.E.2d 332 (Ind. Ct. App. 2011); *Plaza Group Properties, LLC v. Spencer County Plan Comm'n*, 911 N.E.2d 1264 (Ind. Ct. App. 2009); *Plaza Group Properties, LLC v. Spencer County Plan Comm'n*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Foxxxy Ladyz Adult World, Inc. v. Village of Dix*, 779 F.3d 706 (7th Cir. 2015); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *Blue Canary Corp. v. City of Milwaukee*, 270 F.3d 1156 (7th Cir. 2001); *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000); *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996); *Berg v. Health & Hospital Corp.*, 865 F.2d 797 (7th Cir. 1989); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999); *Graff v. City of Chicago*, 9 F.3d 1309 (7th Cir. 1993); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996); *Chulchian v. City of Indianapolis*, 633 F.2d 27 (7th Cir. 1980); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Metro Pony, LLC v. City of Metropolis*, 2012 WL 1389656 (S.D. Ill. Apr. 20, 2012); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita*

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County, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *U.S. v. Baston*, 818 F.3d 651 (11th Cir. 2016); *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around **sexually oriented businesses**, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*; *Greensboro, North Carolina – 2003*; *Dallas, Texas – 1997*; *Houston, Texas – 1997, 1983*; *Phoenix, Arizona – 1995-98, 1979*; *Tucson, Arizona – 1990*; *Spokane, Washington – 2001*; *St. Cloud, Minnesota – 1994*; *Austin, Texas – 1986*; *Indianapolis, Indiana – 1984*; *Garden Grove, California – 1991*; *Los Angeles, California – 1977*; *Whittier, California – 1978*; *Oklahoma City, Oklahoma – 1986*; *New York, New York Times Square – 1994*; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas – 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; *Sex Store Statistics and Articles*; *Indianapolis / Marion County Board of Zoning Appeals Documents*; *Law*

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Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); and Strip Club-Trafficking Documents: the **Board of Commissioners** finds:

- (1) **Sexually oriented businesses**, as a category of commercial **uses**, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) **Sexually oriented businesses** should be separated from sensitive **land** uses to minimize the impact of their secondary effects upon such **uses**.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the **County** has a substantial government interest in preventing and/or abating. The **County's** interest in regulating **sexually oriented businesses** extends to preventing future secondary effects of either current or future **sexually oriented businesses** that may locate in the **County**. The **County** finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The **County** hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of **sexually oriented businesses**, including the judicial opinions and reports related to such secondary effects.

3-4-13-2

Sexually Oriented Business Location Standards

- (a) It shall be unlawful to establish, operate, or cause to be operated a **sexually oriented business** within the **planning jurisdiction** of Allen **County** that is within 1000 feet of any **residential district, religious institution, or school**.
- (b) For the purpose of this section, measurements shall be made in a straight line from the closest part of any **structure** occupied by the **sexually oriented business** to the closest property line of **uses** outlined in subsection (a), above.

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ARTICLE 5 – ADMINISTRATION

Chapter 1 Purpose

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

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

Chapter 2 Planning and Zoning Bodies

3-5-2-1 Zoning Administrator

- (a) Authorization

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

- (b) Powers and Duties

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

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

- (c) Exceptions

The following exceptions shall apply in the situations noted below:

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

ALLEN COUNTY ZONING ORDINANCE

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

(d) Appeals

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

3-5-2-2

Executive Director

(a) Authorization

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

(b) Powers and Duties

The Executive Director shall have the following powers and duties:

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

3-5-2-3

Hearing Officer

(a) Authorization

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

(b) Appointment

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

(c) Powers and Duties

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

(d) Procedure

The **Commission** shall:

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

ALLEN COUNTY ZONING ORDINANCE

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

3-5-2-4

Board of Zoning Appeals

- (a) Authorization

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

- (b) Powers and Duties

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

- (2) **Conditions**

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

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3-5-2-5

Plan Commission

(a) Authorization

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

(b) Purpose

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

(c) Membership

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

(d) Powers and Duties

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

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

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Chapter 3 Procedures

3-5-3-1 General

(a) Board of Zoning Appeals

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

(1) Pre-Application Discussion

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

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

(2) Submission Requirements

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

(3) Public Hearing

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

(4) Appeals

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

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(5) Decision and Additional Provisions

(A) Decision

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

(B) Conditions

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

(C) Findings

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

(D) Notice

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

(E) Appeal

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

(F) Reconsideration

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

(G) Revocation

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

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

(b) **Plan Commission**

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

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

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

(2) Development Plans

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

(3) **Subdivisions** of Land

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

(4) Zoning Map Amendments

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

(5) Text Amendments

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

(6) **Plat** Vacations

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

(7) **Plat** Covenant Vacations

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

(8) Vacation of Public Way

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

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- (A) The **Commission** shall be responsible to give the notice required under IC 36-7-3-12(b) and to collect any **fees** allowed or required under IC 36-7-3-12(c) or the **Commission's** rules.
- (B) After the **Commission** holds the hearing, it shall make a written recommendation to the **Board of Commissioners** for approval or denial of the proposed public way vacation. In making such recommendation, the **Commission** shall consider whether the proposed public way vacation would:
 - (i) Hinder the growth or orderly **development** of Allen **County** or the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous;
 - (ii) Make access by means of a public way to lands of a **person** aggrieved by a proposed vacation difficult or inconvenient;
 - (iii) Hinder the public's access to a **religious institution, school**, or other public **building** or place;
 - (iv) Hinder the use of a public way by the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous; and
 - (v) Comply with the requirements of the Allen **County Comprehensive Plan**.

(c) **Fees**

At the time an application is filed with the **Board, Plan Commission**, or Executive Director for action and approval, **DPS** staff shall collect a nonrefundable filing **fee**. In accordance with IC 36-7-4-411, the **Plan Commission** shall establish a schedule of **fees** to defray the administrative costs connected with:

- (1) Processing and hearing administrative appeals and applications for rezoning, **special uses, contingent uses** and variances;
- (2) Issuing permits; and
- (3) Other actions or activities taken in accordance with the provisions of IC Title 36.

(d) **Deemed Delivery of Notice**

If this ordinance or the rules of the **Board of Zoning Appeals** or **Plan Commission** requires written notice to be given to any **person**, the notice requirement shall be considered satisfied as of three (3) days after the date of deposit of the required notice in the United States mail.

(e) **Commitments**

- (1) **Authorization**

As part of its review of an application the **Board of Zoning Appeals**, Hearing Officer, or the **Plan Commission**, as applicable, may permit or require the property **owner(s)** to make **commitments** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-1015, and the **Board's** or **Commission's** rules. **Commitments** shall be in a form acceptable to the **Board's** or **Commission's** legal staff.

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(2) General Provisions

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

(3) Content

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

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

(4) Recordation

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

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

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(5) Enforcement

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

(6) Modification and Termination

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

(f) **Conditions**

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

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

(g) Lapsing of Approvals

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

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

ALLEN COUNTY ZONING ORDINANCE

3-5-3-2

Improvement Location Permit

(a) General Provisions

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

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

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(b) Exclusions

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

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

(c) Issuance of Permit

- (1) Complete permit applications shall be promptly reviewed by **DPS** staff. If the proposed construction is in compliance with the provisions of this ordinance, the permit shall be issued. However, the **Zoning Administrator** may distribute the permit application and supporting information to other applicable entities for review prior to the issuance of the permit. In that case the issuance of the permit may be delayed until any **conditions** of that reviewing entity are satisfied.
 - (A) If the proposed construction requires a permit from the **Allen County Building Department** then the **Improvement Location Permit** shall be sent by the **DPS** staff to the **Building Department**.
 - (B) If the proposed construction does not require a permit from the **Allen County Building Department**, then the **Improvement Location Permit** shall be sent directly to the applicant.

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

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

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(f) Compliance with Approved Plans

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

(g) Amendment and Modifications

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

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

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

(h) Validity and Revocation of Permit

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

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

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

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

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

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

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

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

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ALLEN COUNTY ZONING ORDINANCE

3-5-3-3

Contingent Uses

(a) List of **Contingent Uses**

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

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

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

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

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

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ALLEN COUNTY ZONING ORDINANCE

3-5-3-4

Special Uses

(a) List of **Special Uses**

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to A.C.C. 3-5-3-1(a). To approve a **special use** the **Board** shall determine that the application meets the criteria in section 3-5-3-4(b) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition, as set forth in AC.C. 3-4-11-9 of the **Airport Overlay Districts** provisions, certain **uses** shall also require approval of a **special use**, even in cases where the use is a permitted use in the existing underlying zoning **district**.

SPECIAL USES	
Special Use	District(s) Where Allowed
Accessory building (non-agricultural) construction ⁽¹⁾	A1
Accessory building conversion to a single family dwelling	A1 and A3
Agriculturally-allied uses ⁽¹⁾	A1
Airstrip/heliport (for corporate or multiple owner use)	A1 and A3
Animal hospital ⁽¹⁾	A1
Animal keeping (outdoor, small animal)	R1, R2, R3 and MHS
Animal kennel ⁽¹⁾	A1
Animal rescue ⁽¹⁾	A1
Animal service, indoor	C1
Animal slaughter house ⁽¹⁾	A1
Animal slaughter house (outdoor)	I2
Arena	A1
Asphalt plant ⁽¹⁾	A1
Automatic teller machine (ATM) (stand-alone)	C1
Automobile maintenance (quick service)	C2, NC and SC
Automobile service, general	I2
Bed and breakfast	A1, A3, R1, R2, R3 and MHS
Boarding house	A1, A3, R1, R2, R3 and MHS
Building material disposal site	A1
Child care home (class II)	A1, A3, R1, R2, R3 and MHS
Club, private ⁽¹⁾	R1, R2, R3, MHS and C1
Commercial communication tower ⁽²⁾	A1, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Community facility not otherwise permitted (transitional use)	R1, R2, R3 and MHS
Community garden that includes a structure	A1, A3, R1, R2, R3, MHS and C1
Concrete plant ⁽¹⁾	A1
Contractor (construction, excavation, landscape, tree service)	I1
Country club	A1, A3, R1, R2, R3 and MHS
Dairy/creamery	I1
Distillery (micro)	I1
Educational institution (not otherwise permitted)	A1, A3, R1, R2, R3 and MHS
Educational institution associated facilities, uses, and areas (on noncontiguous properties)	A1, A3, R1, R2, R3 and MHS
Educational institution-associated uses (on non-contiguous properties, not otherwise permitted)	C1, C2, NC, SC, C3 and C4

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SPECIAL USES	
Special Use	District(s) Where Allowed
Emergency response facility (transitional use)	R1, R2, R3 and MHS
Equipment rental, general	I1
Flood control improvement project/non-permitted fill, private	Any district
Fuel storage facility	I2
Funeral home	A1, A3, R1, R2, R3 and MHS
Gas station	C2, NC, I1 and I2
Golf course	R1, R2, R3 and MHS
Greenhouse (retail)	A1, C2, NC and SC
Group residential facility (large) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2 and I3
Heliport	R1, R2, R3 and MHS
Home business ⁽²⁾	A1, A3, R1, R2, R3 and MHS
Home business (in an existing single family detached dwelling only) ⁽²⁾	C1, C2, NC, SC, C3 and C4
Home enterprise ⁽²⁾	A1 and A3
Home industry ⁽²⁾	A1
Home workshop ⁽²⁾	A1 and A3
Homeless shelter (accessory to a religious institution , for up to eight (8) individuals)	A1, A3, R1, R2, R3 and MHS
Homeless shelter (if adjacent to a residential district or accessory to a religious institution)	C1, C2, NC, SC, C3 and C4
Illuminated recreation field (if adjacent to a residential district)	BTI , I1, I2 and I3
Instruction/training/education (transitional use)	R1, R2, R3 and MHS
Junk yard (outdoor)	I2
Livestock operation (high intensity) ⁽¹⁾	A1
Live-work unit (transitional use)	R1, R2, R3 and MHS
Manufactured home, Type II ⁽²⁾	R2, R3, C1, C2, NC, SC, C3 and C4
Manufactured home, Type II ⁽²⁾ and Type III	R1
Medical office (transitional use)	R1, R2, R3 and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	A1, A3, R1, R2, R3 and MHS
Motor vehicle storage yard	I2
Museum	R1, R2, R3 and MHS
Nature preserve (that includes a structure or parking area)	A1, A3, R1, R2, R3 and MHS
Neighborhood facility	A1, A3, R1, R2, R3 and MHS
Nonconforming use (expansion of existing nonconforming use , or allow conforming status to existing use)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Open use of land (not otherwise permitted)	I3
Outdoor use (in conjunction with a permitted primary use)	C2 and NC
Parking area (as a primary use)	C1
Parking area (if adjacent to a residential district)	C2, NC, SC, C3, C4, I1 and I2
Parking or outdoor display area, gravel (not otherwise permitted)	I2 and I3

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SPECIAL USES	
Special Use	District(s) Where Allowed
Personal service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Plant nursery	C2, NC and SC
Plant nursery (retail)	A1
Processing facility (small scale)	I1
Processing facility for: animals (outdoor: includes skins, hides, or reduction of animal matter) or animal products (outdoor)	I2
Professional office/business service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Quarry or mine	A1 and A3
Reception , meeting, or recreation hall; clubhouse	A1 and A3
Recreation area	A1 and A3
Recreation area (including accessory recreation areas)	C2, NC and SC
Recreation facility	A1 and A3
Recreation facility (if adjacent to a residential district)	C2, NC and SC
Recreation use, outdoor (amusement park, go-cart facility, stadium/race track, and water park, only; if adjacent to a residential district)	C3 and C4
Recreation use, outdoor (athletic field, riding stable, swim club, tennis club) ⁽¹⁾	R1, R2, R3, MHS, C1
Religious institution or non-public school illuminated athletic field(s)	A1, A3, R1, R2, R3, MHS, C1, C2, NC and SC
Residential facility for a court-ordered re-entry program	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2 and I3
Residential facility for homeless individuals (for up to eight (8) individuals)	A1, A3, R1 ⁽¹⁾ , R2, R3 and MHS
Residential facility for homeless individuals (for up to eight (8) individuals, if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Retail (art gallery, bakery goods, coffee shop, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich shop, tea room) ⁽¹⁾	C1
Riding stable, nonresidential ⁽¹⁾	A1 and A3
Salvage yard (outdoor)	I2
Sanitary landfill ⁽²⁾	A1
Sawmill ⁽²⁾	A1 ⁽¹⁾ and I2
Sheet metal fabrication and/or processing	I1
Shooting range (indoor or outdoor archery, firearm, skeet, trap, or similar)	A1
Shooting range (indoor)	C2 and SC
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Solar panel (ground mounted)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Solid waste transfer station ⁽²⁾	A1 and I2
Stadium/racetrack	A1
Storage building (as a primary building)	A1
Studio (transitional use)	R1, R2, R3 and MHS

ALLEN COUNTY ZONING ORDINANCE

SPECIAL USES	
Special Use	District(s) Where Allowed
Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility, if not previously approved as part of the subdivision	R1, R2, R3 and MHS
Tattoo establishment	C1
Tree service	C3 and C4
Two family dwelling (to allow conforming status for existing nonconforming uses)	R1 and MHS
Two family dwelling (to allow conforming status for existing nonconforming uses , and to also allow new two family dwellings)	A1 and A3
Utility facility, private (not otherwise permitted or exempt)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3 and C4
Veterinary clinic ⁽¹⁾	A1
Wind energy conversion system (micro) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Wind energy conversion system (standard) ⁽¹⁾	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Winery	A1
Notes: (1) See the individual zoning districts for possible additional use standards (2) See A.C.C. 3-5-3-4(c)	

ALLEN COUNTY ZONING ORDINANCE

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

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

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

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

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

ALLEN COUNTY ZONING ORDINANCE

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

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

- (2) **Home business**
 - (A) The **Board** may limit the number of outside employees who work at the home;
 - (B) No outside display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to three (3) square feet; and
 - (C) Food-related **uses** shall also require Fort Wayne-Allen **County Department of Health** approval.
 - (D) Landscape standards (A.C.C. 3-4-4-9), parking (A.C.C. 3-4-4-13), pedestrian circulation (A.C.C. 3-4-4-14), and residential impact **mitigation** (A.C.C. 3-4-4-15) shall be as determined by the **Board of Zoning Appeals** in its approval.

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- (3) **Home enterprise**
- (A) The **Board** may limit the number of employees;
 - (B) The area used for outside **storage** for the **home enterprise** shall be: limited to the size of the **building** used for the workshop, up to 4,000 square feet; permitted up to eight (8) feet in height; and adequately screened; the **Board** may further limit the outside **storage** area;
 - (C) Adequate on-site parking shall be provided for employee and client/customer parking; and
 - (D) Landscape standards (A.C.C. 3-4-4-9), parking (A.C.C. 3-4-4-13), pedestrian circulation (A.C.C. 3-4-4-14), and residential impact **mitigation** (A.C.C. 3-4-4-15) shall be as determined by the **Board of Zoning Appeals** in its approval.
- (4) **Home industry**
- (A) The **Board** may limit the number of employees;
 - (B) The area used for outside **storage** and/or outside display for the **home industry** shall be: limited to twice the size of the **building** used for the industry; permitted up to sixteen (16) feet in height; and adequately screened; the **Board** may impose conditions on the permissible outside **storage** area;
 - (C) Adequate on-site parking shall be provided for employee and client/customer parking; and
 - (D) **Home industries** shall not require as a precursor for approval, previous approval as a **home workshop**, **home enterprise**, or a different **home industry**.
 - (E) Landscape standards (A.C.C. 3-4-4-9), parking (A.C.C. 3-4-4-13), pedestrian circulation (A.C.C. 3-4-4-14), and residential impact **mitigation** (A.C.C. 3-4-4-15) shall be as determined by the **Board of Zoning Appeals** in its approval.
- (5) **Home workshop**
- (A) The **Board** may limit the number of employees;
 - (B) The area used for outside **storage** for the **home workshop** shall be limited to the area of the workshop, and shall be adequately screened; the **Board** may further limit the outside **storage**;
 - (C) Except for vehicles or equipment, outside **storage** shall be limited to eight (8) feet in height; and
 - (D) Adequate on-site parking shall be provided for employee and client/customer parking.
 - (E) Landscape standards (A.C.C. 3-4-4-9), parking (A.C.C. 3-4-4-13), pedestrian circulation (A.C.C. 3-4-4-14), and residential impact **mitigation** (A.C.C. 3-4-4-15) shall be as determined by the **Board of Zoning Appeals** in its approval.

ALLEN COUNTY ZONING ORDINANCE

(6) **Manufactured home, type II**

In addition to meeting the requirements set forth in A.C.C. 3-5-3-4(b) the **Board** shall determine that the home is:

- (A) Compatible with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; and foundation type and construction; and
- (B) Constructed of roofing and siding materials compatible with the immediate area.

(7) **Sanitary landfill**

- (A) The minimum size of a **sanitary landfill** facility shall be seventy (70) acres.
- (B) Minimum required depth of front, rear or **side yards** shall be one hundred (100) feet, and no portion of the filling operation shall be conducted in that area. Paved roadways may be located within the front, rear or **side yards**.
- (C) No part of a **sanitary landfill** property shall be located less than six (6) miles from a public **airport**.
- (D) The entire landfill operation shall be enclosed with a **wall, fence** or other approved barrier at least five (5) feet in height; facilities for after-hours acceptance of **refuse** need not be within the area enclosed by the **wall, fence**, or barrier.
- (E) A **Board**-approved site screening strip at least thirty (30) feet in width shall be provided and maintained between the exterior boundaries or property lines of the project and the fencing set forth in subsection (D) above. Site screening can include planting and earth berming or mounding.

(8) **Solid waste transfer station**

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

ALLEN COUNTY ZONING ORDINANCE

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

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

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

3-5-3-6 **Use** Variances

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

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

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3-5-3-7

Zoning Map Amendments

(a) Purpose

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

(b) Procedure

(1) Pre-application Discussion

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

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

(2) Application Initiation and Submission Requirements

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

(3) **Commission** Review and Recommendation

(A) Public Hearing

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

(B) Recommendation of **Commission**

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

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

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

(C) Notice of Recommendation

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

(D) Certification of Recommendation

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

(E) **Board of Commissioners** Decision

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

3-5-3-8 Zoning Text Amendments

(a) Purpose

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

(b) Procedure

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

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Chapter 4 Nonconforming Situations

3-5-4-1 Purpose

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

3-5-4-2 Nonconforming **Lots**

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

3-5-4-3 Nonconforming Uses

(a) Continuation

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

(b) Expansion of Use

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

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3-5-4-4 Nonconforming Buildings or Structures

(a) Continuation

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

(b) Additions or Enlargement of Buildings or Structures

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

(c) Mobile Home Parks

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

(d) Maintenance or Reconstruction

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

3-5-4-5 Other Nonconforming Situations

(a) Fences

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

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(b) **Parking Areas**

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

(c) **Signs**

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

(d) Acquisition of Property for Public Purposes

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

3-5-4-6 Discontinuation and Damage

(a) Discontinuation of Use

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

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

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

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

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

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

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Documentation

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

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Chapter 5 Enforcement

3-5-5-1 Purpose

The purpose of this section is to:

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

3-5-5-2 Enforcement Officials

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

3-5-5-3 Conformance

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

3-5-5-4 Violations

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

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

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3-5-5-5

Enforcement Powers

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

(a) Stop Work Order

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

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

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

(c) Non-Issuance of Development Plan Project Permits

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

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

(d) **Breach of Bond**

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

(e) **Violation Prosecution**

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

(f) **Injunctive Relief**

(1) **Abatement**

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

(2) **Removal of Structure**

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

(g) **Payment of Costs**

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

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

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

(i) **Provision Affect or Modification**

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

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(j) Remedies Cumulative

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

(k) Penalty

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

3-5-5-6

Administrative Proceedings for **Violations**

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

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

3-5-5-7

Right of Entry

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

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

3-5-5-8

Action to Bring Compliance; Expenses as a Lien against Property

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

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Chapter 6 Definitions

For the purpose of this ordinance, the following rules of usage and definitions shall apply.

3-5-6-1 Rules of Usage

- (a) Words used in the present tense shall also include the future tense.
- (b) The singular shall include the plural: and the plural shall include the singular.
- (c) The word "shall" is mandatory; the words "may" or "should" are permissive.
- (d) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

3-5-6-2 Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building, structure, or use**, and ordinarily located on the same **lot** with that **primary building, structure, or use**.

Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling unit** shall be subordinate to a primary single **family** residential **structure**. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. Examples of an integrated **accessory dwelling unit** shall include no separate primary entrances, no separate utility metering, or internal access between the **accessory dwelling unit** and the rest of the residence.

Accessory Living Quarters

Living quarters within an **accessory building** for the sole **use** of **persons** employed on the **lot**; such quarters having no kitchen facilities and not rented or otherwise used as a separate **dwelling**.

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

Accessory Structure, Nonresidential

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

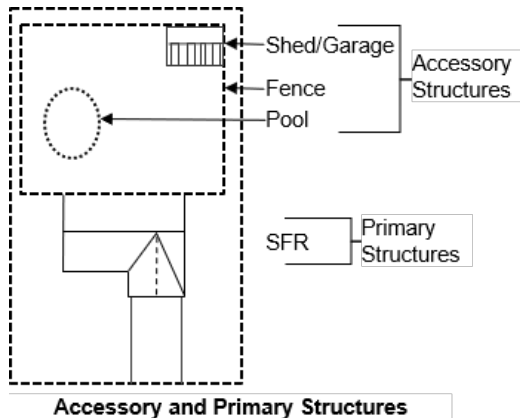
- (1) Are located on the same **lot, tract, or development site** as the primary **nonresidential building** or **use**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building** or **use**; and
- (3) Are subordinate to and serving a **primary building** or **use**.

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Accessory Structure, Residential

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

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



Accessory Use

A **use** that:

- (1) Is located on the same **lot, tract, or development site** as the **primary building or use**;
- (2) Is clearly incidental to and customarily found in connection with a **primary building or use** (including **public utility**, communication, electric, gas, water and sewer lines, their supports and incidental equipment);
- (3) Is subordinate to and serves a **primary building or use**;
- (4) Contributes to the convenience or necessity of the occupants of the **primary building or use**; and
- (5) 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 – A.C.C. 3-4-12-2, Definitions**)

Adjacent

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

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Administrative Manual

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

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 – A.C.C. 3-4-12-2, 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 Use

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

Agriculturally-allied Use

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

Agronomic Crop Production

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

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Aircraft Overflight Area (see Airport Overlay District definitions)

Airport (see Airport Overlay District definitions)

Airport Authority (see Airport Overlay District definitions)

Airport Master Plan (see Airport Overlay District definitions)

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

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

Airspace (see Airport Overlay District definitions)

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Airport Overlay District Definitions

- **Aircraft Overflight Area**

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

- **Airport**

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

- **Airport Authority**

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

- **Airport Master Plan**

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

- **Airport Operational Area (AOA)**

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

- **Airport Overlay Areas**

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

AREA 1 (Inner Safety Area)

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

AREA 2 (Horizontal Area)

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

AREA 3 (Outer Conical Area)

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

AREA 4 (Outer Approach Area)

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

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AREA 5 (Extended Conical Area)

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

AREA 6 (Extended Approach Area)

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

- **Airport Overlay Districts (AOD)**

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

- **Airspace**

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

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

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

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

- **Approach Surface**

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

- **Buffer (Airport)**

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

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- **FAA FAR Part 77 Surfaces**

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

- (1) Approach surface

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

- (2) Conical surface

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

- (3) Horizontal surface

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

- (4) Transitional surface

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

- **Federal Aviation Administration (FAA)**

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

- **Federal Aviation Regulations (FAR)**

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

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

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

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

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

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

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- **Growth**

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

- **Hazard Lighting and Marking**

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

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

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

- (1) Approach surface

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

- (2) Conical surface

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

- (3) Horizontal surface

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

- (4) Transitional surface

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

- **Instrument Landing Procedure**

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

- **Navigation Aids (NAVAID)**

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

- **Navigable Airspace**

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

ALLEN COUNTY ZONING ORDINANCE

- **Noise Impact**

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

- **Object**

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

- **Objects of Natural Growth**

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

- **Obstruction**

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

- **Primary Surface**

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

- **Runway**

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

- **Runway Protection Zone (RPZ)**

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

- **Utility Runway**

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

- **Wildlife Attractants**

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

ALLEN COUNTY ZONING ORDINANCE

Airstrip (Private)

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

Alley

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

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

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

ALLEN COUNTY ZONING ORDINANCE

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.

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

Arena

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

Art Gallery

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

Arterial Street (see “**Street, Arterial**”)

Arterial, Minor (see “**Street, Arterial**”)

Arterial, Principal (see “**Street, Arterial**”)

Artist Studio

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

Asphalt Plant

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

Assembly Facility

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

ALLEN COUNTY ZONING ORDINANCE

Assembly of Finished Products Facility

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

Assisted Living Facility

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

Athletic Fields

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

Auction Hall

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

Automatic Teller Machine (ATM)

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

Automobile

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

Automobile Body Shop

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

Automobile Detailing/Trim Shop

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

Automobile Maintenance (Quick Service)

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

Automobile Rental

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

ALLEN COUNTY ZONING ORDINANCE

Automobile Repair

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

Automobile Sales

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

Automobile Service, General

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

Automobile Service, Limited

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

Automobile Washing Facility (Full or Self Service)

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

Awning

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

Bakery (Wholesale)

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

Bank

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

Bar

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

Barber Shop

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

ALLEN COUNTY ZONING ORDINANCE

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

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

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

Beauty Shop

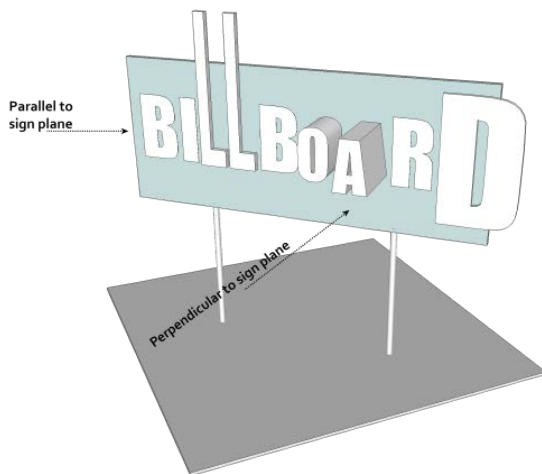
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

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

Billboard Embellishment

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



Block

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

Board

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

Board of Commissioners

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

ALLEN COUNTY ZONING ORDINANCE

Board of Zoning Appeals (see “Board”)

Boarding House

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

Bond

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

Bottling Facility

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

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

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

Brewery

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

Brewery (Micro)

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

Building

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

Building, Detached

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

ALLEN COUNTY ZONING ORDINANCE

Building, Nonconforming

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

Building, Nonresidential

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

Building, Primary

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

Building, Residential

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

Building, Semi-Detached

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

Building Bay

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

Building Department

The Allen County **Building Department**.

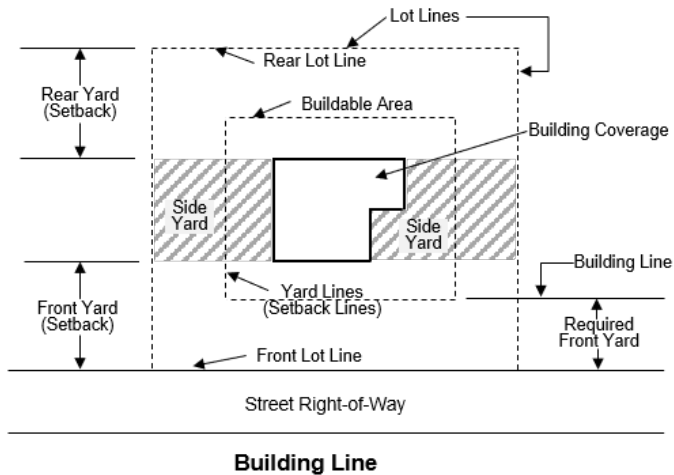
Building Height

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

ALLEN COUNTY ZONING ORDINANCE

Building Line, Front

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



Building Material Disposal Site

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

Building Setbacks

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

Building Surface

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

Business School

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

Business, Technology, and Industrial Park (BTI)

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

Campground

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

ALLEN COUNTY ZONING ORDINANCE

Campus Housing

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

Candelas

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

Canopy

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

Carport

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

Cemetery (Private and Public)

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

Certificate of Compliance

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

Certificate of Occupancy

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

Certificate of Use

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

Change of Use

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

Check Cashing

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

ALLEN COUNTY ZONING ORDINANCE

Child Care

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

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

Child Care Center

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

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

Child Care Home

A residential **building** in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive **child care** from a licensed **child care** provider; the child care provider shall live on the property:

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

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

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

Child Care Ministry

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

Church (see "Religious Institution")

Class I Child Care Home (see "Child Care Home")

ALLEN COUNTY ZONING ORDINANCE

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

Clinic

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

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws. Any use that meets the definition of “**sexually oriented business**” as defined in Allen County Code Section 8-30-1-2 shall not be considered a **Private Club**.

Clubhouse

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

Coffee Shop

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

Collector Street (see “Street, Collector”)

Commercial Communication Tower

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

Commission

The Allen County **Plan Commission**.

Commitment

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

Common Area

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

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

ALLEN COUNTY ZONING ORDINANCE

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 **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.

ALLEN COUNTY ZONING ORDINANCE

Confined Feeding

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

Confined Feeding Operation (CFO)

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

Construction Access Road

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

Contingent Use

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

Convenience Store

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

ALLEN COUNTY ZONING ORDINANCE

Convent

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

Convention Facility

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

Conveyance (including the word “convey”)

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

Corner Lot (see “Lot, Corner”)

Corner Visibility Area

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

Corporate Campus

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

Correctional Institution

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

Correctional Services Facility

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

Country Club

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

County

Allen **County**, Indiana.

ALLEN COUNTY ZONING ORDINANCE

Credit Union

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

Crematory

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

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

Customer Service Facility

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

Dance Hall

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

Dance Studio

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

Dating Service

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

Day Care (see Day Care, Child)

Day Care, Adult (see Day Care, Child)

Day Care, Child

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

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

Deck

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

Department of Health

The Fort Wayne-Allen County Department of Health.

ALLEN COUNTY ZONING ORDINANCE

Department of Planning Services (DPS)

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

Department Store

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

Developer

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

Development

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

Development (see Floodplain Regulations – A.C.C. 3-4-12-2, 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:
 - (d) self-care;
 - (e) receptive and expressive language;
 - (f) learning;
 - (g) mobility;
 - (h) self-direction;
 - (i) capacity for independent living; and
 - (j) economic self-sufficiency.

Developmentally Disabled Individual

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

ALLEN COUNTY ZONING ORDINANCE

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.

Distribution Facility

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

District

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

Doctor Office

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

Domestic Farm Animal

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

Dormitory

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

Double Frontage Lot

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

Drive-Through Facility

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

Driveway

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

ALLEN COUNTY ZONING ORDINANCE

Dry Cleaning Store

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

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

Dwelling

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

Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more families living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**.

Dwelling, Single Family (Attached)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

Dwelling, Townhouse

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

Dwelling, Two Family

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

Dwelling Unit, Residential

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

Dwelling Unit, Efficiency

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

ALLEN COUNTY ZONING ORDINANCE

Dwelling, Zero Lot Line

A **single family detached dwelling** unit placed on the **lot** so that it is positioned along one or more **lot lines**.

Easement

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

Easement, Roadway

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

Easement, Utility and Service

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

Educational Institution

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

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

Emergency Response Facility

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

Emergency Shelter

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

Engine Repair

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

Engineer (see “Professional Engineer”)

Entertainment Facility

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

ALLEN COUNTY ZONING ORDINANCE

Equipment Rental, General

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

Equipment Rental, Limited

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

Equipment Supply Facility

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

Executive Committee

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

Exempt Division of Land

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

Exhibit Hall

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

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

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

Expressway - Freeway

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

Exterminator

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

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

Façade

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

ALLEN COUNTY ZONING ORDINANCE

Fairground

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

Family

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

Farmers Market

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

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

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

Fee

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

Feed Store

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

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

Fence

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

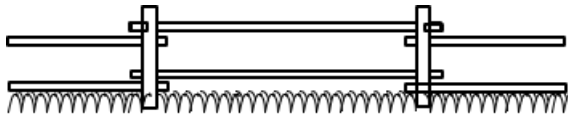
Fence, Agricultural

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

ALLEN COUNTY ZONING ORDINANCE

Fence, Open

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



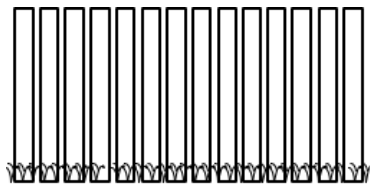
Open Fence

Fence, Ornamental

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

Fence, Solid

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



Solid Fence

Fence or Wall Height

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

Fill

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

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 Regulations – A.C.C. 3-4-12-2, Definitions**)

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

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

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

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

ALLEN COUNTY ZONING ORDINANCE

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

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

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

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

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

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

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

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

Freight Service

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

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

Frontage

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

Full-Cutoff

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

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

ALLEN COUNTY ZONING ORDINANCE

Funeral Home

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

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

Furniture Production

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

Furniture Store

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

Garage (see “Garage, Residential”)

Garage, Residential

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

Garage Sale (see “Yard Sale”)

Garbage

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

Garden Equipment Supply

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

Gas Pump Embellishment

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

Gas Station

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

Gateway

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

ALLEN COUNTY ZONING ORDINANCE

Gazebo

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

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

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

Golf Driving Range

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

Government Facility

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

Greenhouse

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

Grocery Store

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

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.

ALLEN COUNTY ZONING ORDINANCE

Group Residential Facility (Large)

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

Group Residential Facility (Small)

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

Growth (see Airport Overlay District definitions)

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

Hazard Marking and Lighting (see Airport Overlay District definitions)

Hazardous Waste

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

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

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

Hazardous Waste Disposal Area

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

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.

ALLEN COUNTY ZONING ORDINANCE

Health Club

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

Hedge

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

Heliport

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

Heliport (Private)

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

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

Historic Site

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

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

Holiday Decorations

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

Home Business

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

ALLEN COUNTY ZONING ORDINANCE

Home Enterprise

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

Home Improvement Store

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

Home Industry

A **use** of a single **family** property, where business activities are conducted. **Home industries** are intended to permit the highest level of home-based business **use** intensity, including **uses** which produce or repair a product. **Home industries** may include retail sales, assembly, contracting, fabricating, **manufacturing**, production, processing, development, or repair activities (excluding **automobile repair**). A **home industry** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives. The **gross floor area** of the **home industry** shall not exceed twenty-five thousand (25,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home industry**, customers and clients shall be permitted to come to the property, and on-site retail sales of items shall be permitted.

Home Occupation

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

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.

ALLEN COUNTY ZONING ORDINANCE

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**, **bars**, and **recreational facilities**. An extended stay **hotel** is included in this definition.

Hydrologic and Hydraulic Engineering Analysis (see Floodplain Regulations – A.C.C. 3-4-12-2, 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**

ALLEN COUNTY ZONING ORDINANCE

Instrument Landing Procedure (see **Airport Overlay District definitions**)

Interior Lot (see “**Lot, Interior**”)

International Code Council-Evaluation Service (ICC-ES) Report (see **Floodplain Regulations – A.C.C. 3-4-12-2, 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**.

ALLEN COUNTY ZONING ORDINANCE

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 – A.C.C. 3-4-12-2, Definitions)

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

Library

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

Limited Assembly and Fabrication

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

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

Livestock Operation (High Intensity)

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

Live-Work Unit

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

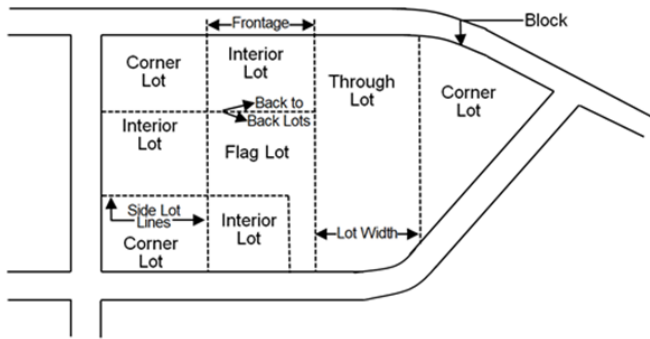
ALLEN COUNTY ZONING ORDINANCE

Loan Office

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

Lot

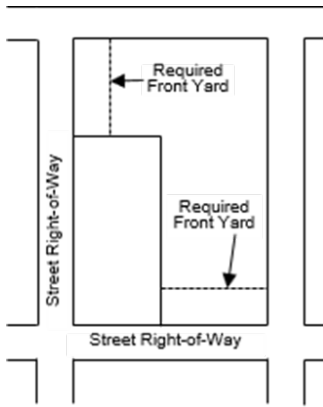
A piece of land of specific shape and dimension; it may be a single platted **lot** or a single **parcel**. The word “**lot**” shall include the words “**lot**, platted” and “**parcel**.”



Lot Types

Lot, Corner

A **lot** at the junction of and abutting two or more intersecting **streets**, or a **lot** that borders the **corner lot** that has frontage on the same two **streets**.



Irregularly Shaped Lot with Frontage On Two Streets

Lot, Flag

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

ALLEN COUNTY ZONING ORDINANCE

Lot, Front (Nonresidential)

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

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

Lot, Front (Residential)

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

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

Lot, Interior

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

Lot, Platted

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

Lot, Through

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

Lot Area, Net

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

Lot Coverage

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

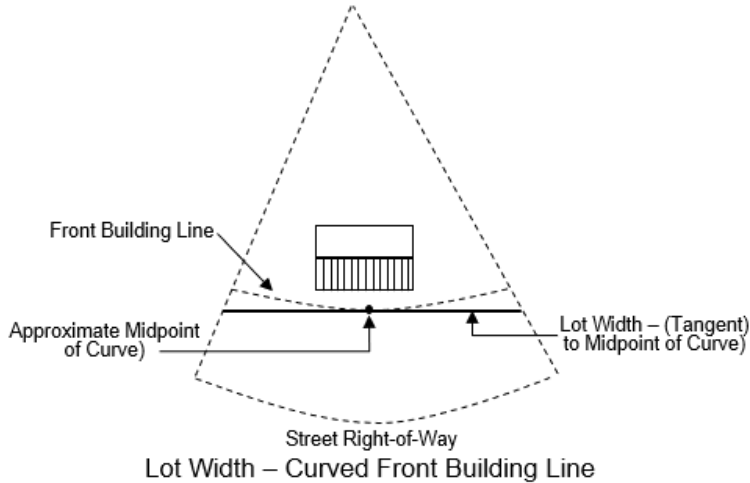
Lot Depth

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

ALLEN COUNTY ZONING ORDINANCE

Lot Width

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



Lot Width, Minimum

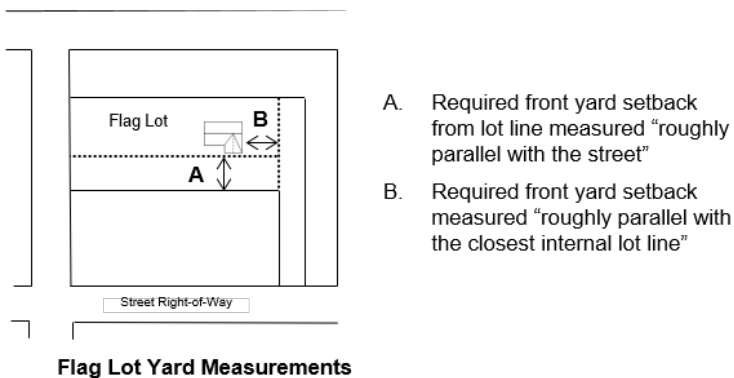
The least permissible width of a **lot** measured horizontally along either the **front building line** or the front **lot line**, as set forth in the applicable **development** standards table.

Lot Line

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

Lot Line, Front

The line running along the front of the **lot**, typically located along the **street right-of-way**. The **front lot line** is also referred to as the front **street line**. In a **through lot** both **lot lines** abutting the **streets** shall be deemed **front lot lines**. Flag lots or lots that do not have frontage on a street shall have two (2) required front yards; one as measured roughly parallel with the street, and one as measured roughly parallel with the closest internal lot line as shown below. For other situations, the Zoning Administrator shall determine the front **lot line**.



ALLEN COUNTY ZONING ORDINANCE

Lot Line, Rear

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

Lot Line, Side

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

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

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

Lumens

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

Machine Tool Shop

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

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

Manufactured Home Park

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

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

ALLEN COUNTY ZONING ORDINANCE

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, in a **manufactured home park** or other approved **lot**.

Manufacturing

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

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

Massage Therapy Establishment

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

ALLEN COUNTY ZONING ORDINANCE

Master Sign Plan

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

Medical 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 that:

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

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

Mentally Ill Individual

An individual who:

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

Metes and Bounds Subdivision

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

Minimum Building Elevation

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

Mirrored Glass

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

ALLEN COUNTY ZONING ORDINANCE

Mitigation

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

Mitigation (see **Floodplain Regulations – A.C.C. 3-4-12-2, 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**”)

Model Home

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

Model Unit

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

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

Monument

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

Mosque (see “**Religious Institution**”)

Motel

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

Motor Vehicle

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

ALLEN COUNTY ZONING ORDINANCE

Motor Vehicle, Inoperable

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

Motor Vehicle Repair

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

Motor Vehicle Storage Yard

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

Mounting Height, Light

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

Multiple Family Complex

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

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, antiques, 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 – A.C.C. 3-4-12-2, Definitions)

Nature Preserve

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

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

ALLEN COUNTY ZONING ORDINANCE

Navigable Airspace (see **Airport Overlay District definitions**)

Neighborhood Center

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

Neighborhood Facility

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

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

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

Newspaper Publishing Facility

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

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

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

Nursery School (see “**Preschool**”)

ALLEN COUNTY ZONING ORDINANCE

Nursing Home

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

Object (see Airport Overlay District definitions)

Object of Natural Growth (see Airport Overlay District definitions)

Obstruction (see Airport Overlay District definitions)

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

Occupied Space

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

Office, Professional

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

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

On-site Sewage System

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

On-site Sewage System Suitability Zone

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

Open Fence (see “Fence, Open”)

Open Use of Land

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

Ornamental Fence (see “Fence, Ornamental”)

Outdoor Activity Area

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

ALLEN COUNTY ZONING ORDINANCE

Outdoor Display

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

Outdoor Sales, Permanent

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

Outdoor Storage

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

Outlot

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

Owner

Any **person** having record title.

Painted Graphics

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

Parcel

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

Park or Recreation Area (Private)

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

Park or Recreation Area (Public)

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

Parking Area

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

ALLEN COUNTY ZONING ORDINANCE

Parking Area (Off-site)

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

Parking Space (Off-Street)

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

Parking Structure

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

Patio

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

Pawn Shop

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

Pedestrian Friendly (see “Pedestrian Oriented”)

Pedestrian Oriented

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

Person

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

Personal Services

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

Pet Store

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

ALLEN COUNTY ZONING ORDINANCE

Photographic Studio

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

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

Plan Commission

The Allen County Plan Commission.

Planning Jurisdiction

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

Planning Staff

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

Plant Nursery

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

Plat

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

Plat, Major

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

Plat, Minor

A **subdivision** of a **parcel** of land, that creates no more than six (6) **lots** in an A1 or A3 **zoning district** and that is reviewed and approved in accordance with this ordinance. No further **subdivision** of a platted and recorded **minor plat** shall be permitted, unless the **minor plat** is replatted in accordance with this ordinance.

Play Equipment

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

ALLEN COUNTY ZONING ORDINANCE

Police Station

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

Porch, Open

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

Portable Storage Container

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

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

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

ALLEN COUNTY ZONING ORDINANCE

Public Sewer Facility

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

Public Utility

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

Public Water Facility

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

Public Works Use, Temporary

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

Radio Station

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

Radio Tower (Amateur)

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

Reception Hall

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

Recorder

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

Recreation Area

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

Recreation Facility

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

Recreation, General

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

ALLEN COUNTY ZONING ORDINANCE

Recreation/Tourism, Limited

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

Recreation Uses, Outdoor

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

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

Recycling Collection Point

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

Recycling Processing Facility

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

Refinery

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

Refuse

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

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

Rehabilitation/Renovation

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

Religious Institution

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

Rental and Leasing Store

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

ALLEN COUNTY ZONING ORDINANCE

Research and Development Facility

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

Research and Scientific Laboratory

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

Residential Condominium Development

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

Residential District

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

Residential Facility for a Court-ordered Re-entry Program

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

Residential Facility for Developmentally Disabled Individuals

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

Residential Facility for Homeless Individuals

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

Residential Facility for Mentally Ill Individuals

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

Residential Facility (Other)

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

Residential Zoning District (see "Residential District")

Restaurant

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

ALLEN COUNTY ZONING ORDINANCE

Restoration

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

Retail Facility, Multiple Tenant

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

Retail Facility, Single Tenant

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

Retaining Wall

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

Retirement Facility

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

Riding Stable, Nonresidential

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

Riding Stable, Private

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

Riding Stable, Residential

An area for riding or housing/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 – A.C.C. 3-4-12-2, Definitions)

ALLEN COUNTY ZONING ORDINANCE

Roadside Stand

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

Root Parcel of Land

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

Runway (see Airport Overlay District definitions)

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

Sales Yard

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

Salvage Yard

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

Sanitary Landfill

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

Satellite Dish, Large

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

Satellite Dish, Small

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

Savings and Loan

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

Sawmill

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

ALLEN COUNTY ZONING ORDINANCE

School

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

Seasonal Outdoor Retail Sales

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

Secondary Approval

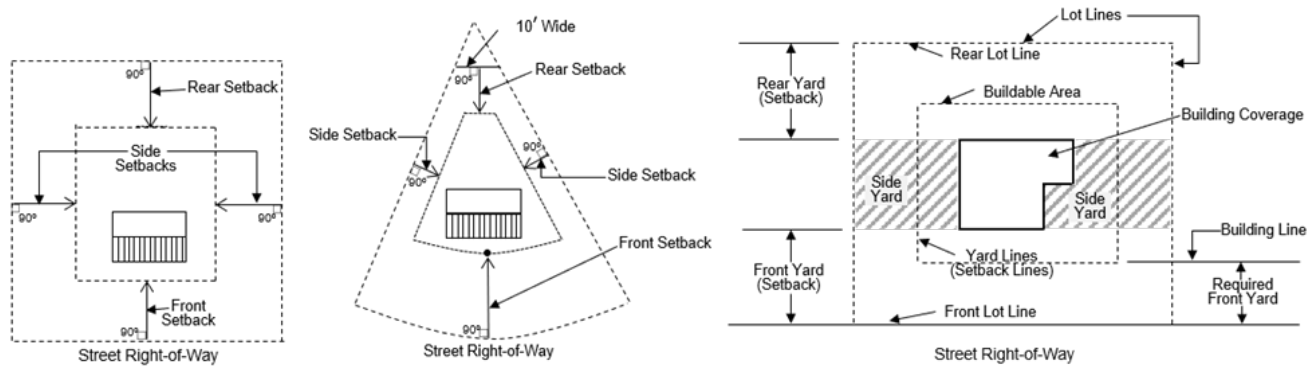
Approval, or approval with **conditions**, granted to an application for a **Development Plan** or **Major or Minor Subdivision**, certifying that the application reflects all terms, **conditions**, and **commitments** required by the **Plan Commission**, or the **Plat Committee** acting in its behalf.

Self-Service Storage (Mini-Warehouse) Facility

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

Setback

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



Sexually Oriented Business

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

Shed

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

Shooting Range

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

Shop

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

ALLEN COUNTY ZONING ORDINANCE

Shopping Center

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

Sign

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



Sign, Additional Entrance

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

Sign, Auction

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

Sign, Awning

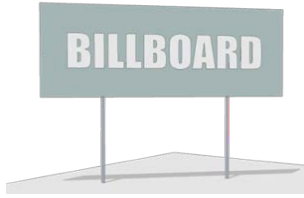
A sign affixed flat to or painted upon the surface of an **awning**.



ALLEN COUNTY ZONING ORDINANCE

Sign, Billboard

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



Sign, Blade

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

Sign, Canopy

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

Sign, Changeable Copy

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

Sign, Construction

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



Sign, Direction

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



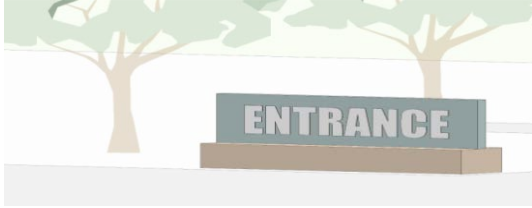
ALLEN COUNTY ZONING ORDINANCE

Sign, Directory

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

Sign, Drive-Through

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



Sign, Entrance

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

Sign, Expired

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

Sign, Flashing

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

Sign, Freestanding

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

Sign, Ground-Mounted

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



ALLEN COUNTY ZONING ORDINANCE

Sign, Incidental

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

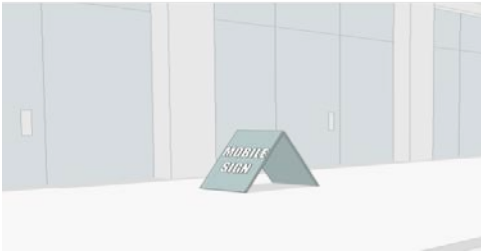
Sign, Marquee

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

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

Sign, Mobile

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



Sign, Multi-Faced

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

Sign, Noncommercial Opinion

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

Sign, Off-Premise

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

Sign, On-Premise

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

Sign, Political

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

ALLEN COUNTY ZONING ORDINANCE

Sign, Projecting

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



Sign, Public Information

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

Sign, Real Estate

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

Sign, Roof

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



Sign, Temporary

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

ALLEN COUNTY ZONING ORDINANCE

Sign, Wall

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



Sign, Window

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



Sign Area

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

Sign Brightness

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

Sign Fabricating Shop

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

Sign Height

The distance between the lowest grade level within two (2) feet of either side of a **sign**, and the highest part of the **sign** or its supporting **structure**.

Sign Sales Store

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

ALLEN COUNTY ZONING ORDINANCE

Sign Separation from Districts, Uses, or Features

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

Sign Separation from other Signs

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

Significant Natural Features

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

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

Site Area, Gross

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

Site Area, Net

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

Slaughter House

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

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

Solar Panel (ground-mounted)

A single panel or combination of panels or elements that does or will **use** direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. **Solar panels** include both photovoltaic and hot water devices. **Solar panels** or a combination of panels shall be associated with and accessory to a permitted primary building, shall not exceed a total of 500 panels per parcel, and shall not exceed a ground coverage of 20,000 square feet.

ALLEN COUNTY ZONING ORDINANCE

Solid Waste

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

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

Solid Waste Transfer Station

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

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

Sorority House

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

Special Event

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

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

Special Use

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

ALLEN COUNTY ZONING ORDINANCE

Stadium/Racetrack

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

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

Steeple

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

Stem Wall Foundation, Backfilled (see **Floodplain Regulations – A.C.C. 3-4-12-2, 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

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

Story

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

Story-Half

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

ALLEN COUNTY ZONING ORDINANCE

Street, Arterial

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

(1) Principal Arterial

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

(2) Minor Arterial

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

Street, Collector

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

(1) Street, Minor Collector

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

(2) Street, Sub-Collector

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

Street, Cul-De-Sac

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

Street, Local

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

Street, Private

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

ALLEN COUNTY ZONING ORDINANCE

Street, Public

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

Structure

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

Structure (see Floodplain Regulations – A.C.C. 3-4-12-2, 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 A.C.C. 3-3-3-3 (b). The following classifications shall also be included under this definition:

(1) Subdivision, Major

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

(2) Subdivision, Minor

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

Substantial Change

For the purposes of plan review and approval, a change in or to: access point numbers or **significant** change in location; the number of **buildings**; the number or size of **lots/parcels** (however, for a single **family** subdivision, an increase of up to 5% of the number of platted **lots** shall be permitted); or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan. 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 – A.C.C. 3-4-12-2, Definitions)

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

ALLEN COUNTY ZONING ORDINANCE

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 – A.C.C. 3-4-12-2, 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

A grouping of at least two (2) freestanding **townhouse structures**.

Townhouse Structure

A **structure** containing three (3) or more **townhouse dwelling** units.

Tract

An area, **parcel**, site, piece of land, or property.

Trail, Multi-use

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

ALLEN COUNTY ZONING ORDINANCE

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** roadway.

Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this use.

Trellis

A **structure** of open latticework, typically used as a support for vines and other plants.

Truck Depot/Terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck **storage**, maintenance, and administrative offices.

Truck Fueling Station

A facility where gas and other supplies are sold, where the gas dispensing facilities are designed to primarily service semi-trailer or tractor trailer truck vehicles. A **truck fueling station** would not offer **accessory uses** such as overnight accommodations, shower facilities, or **restaurant** facilities. A **truck fueling station** may include a **convenience store**. For the purposes of determining permitted **uses**, a compressed natural gas fueling station shall be considered a **truck fueling station**.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. A **truck stop** may also include overnight accommodations, showers and **restaurant** facilities primarily for the use of truck crews.

ALLEN COUNTY ZONING ORDINANCE

Universally Permitted Use

Universally permitted uses are land **uses** that are permitted in any **zoning district** within the **County's planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (2) an **open fence** of up to 4 feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein, in conjunction with a vacant **lot**, or an existing proposed **primary use parking area**;
- (3) a fire station, **police station**, other similar public safety use, or other publicly-owned **building** supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private, non-profit), excluding **parking areas** or **structures** available for public use;
- (5) an **off-site parking area** for a **religious institution** or a **school**, if located directly across an existing **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including **parking areas**, and **structures**;
- (7) a private garden (including an **open fence** of up to four (4) feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the standards herein);
- (8) a **religious institution**; and
- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

Unrelated Persons

Two (2) or more **persons** occupying a **single dwelling unit** who are not related by blood, marriage or adoption.

Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

Use, Nonconforming (see "Nonconforming Use")

Use, Nonresidential

A commercial, industrial, or institutional **use**, including educational and **religious institutions**, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

ALLEN COUNTY ZONING ORDINANCE

Use, Primary

The predominant **use** of any **lot, tract, development site, building, or structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use, conditional use, or by use variance**. Unless otherwise prohibited by this chapter more than one primary **use** may exist on or within **building(s) or structure(s)** or on a **lot, tract, or development site** provided there is compliance with all other applicable ordinance provisions.

Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling** unit must have one primary entrance, a single primary kitchen, and all individuals must have full use of the entire residence (excluding individual bedrooms). Except for residential facilities for the **developmentally disabled or mentally ill, or a residential facility (other)**, services shall not be provided to residents. A **fraternity or sorority house** shall not be considered a **single family use**.

Utility Facility, Private

Buildings, structures, or other facilities used or intended to be used by any private utility other than telecommunications facilities. This category includes **buildings or structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage tanks**; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

Utility Fixture (see “Utility Fixture, Accessory”)

Utility Fixture, Accessory

An accessory fixture or **use** of **building or lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **on-site sewage system** or septic tank covers, pumps, inspection pipes, solar panels (**building** mounted), utility connection enclosure boxes, or well heads.

Utility Runway (see Airport Overlay District definitions)

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

Veterinary Clinic (see “Animal Hospital”)

Violation

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

Violation (see Floodplain Regulations – A.C.C. 3-4-12-2, 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**.

ALLEN COUNTY ZONING ORDINANCE

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

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight terminals; bus barns; **parcel** services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

Wildlife Attractants (see **Airport Overlay District definitions**)

Wind Energy Conversion System

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer’s rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

ALLEN COUNTY ZONING ORDINANCE

Wind Energy Conversion System, Micro

A **building**-mounted wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than twelve (12) feet above the highest point of the roof.

Wind Energy Conversion System, Standard

A **wind energy conversion system** that has a nameplate capacity (manufacturer's rating) between 10 and 50 kilowatts per system, a total system height of 60 feet or less, and a swept area of 40 feet or less.

Wind Energy Conversion System Swept Area

The diameter of the smallest circle encompassing the blades of a **wind energy conversion system**.

Wind Energy Conversion System Height

The distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

Wind Tower

A freestanding **structure** that supports the energy capture, conversion, **storage** and transfer components of a **wind energy conversion system**.

Window

An opening constructed in a **building wall** that functions to admit light or air, typically framed and spanned in glass.

Yard

A space on the same **lot** with a main **building**, open, unoccupied and unobstructed by **structures**, except as otherwise provided in this ordinance.

Yard, Front

A **yard** extending across the full width of the **lot**, the depth of which is the least distance between the **street right-of-way** line and the **building line**.

Yard, Internal Side

On a **corner lot**, the **side yard** that does not abut a **street right-of-way**.

Yard Light

A fixture intended to provide illumination to a certain area or a portion of a **lot**.

Yard, Rear

A **yard** extending across the full width of the **lot** between the rear of the **primary building** or **structure** and the **rear lot line**, the depth of which is the least distance between the **rear lot line** and the rear of the **primary building** or **structure**. If the **rear lot line** is less than ten (10) feet long, or the **lot** comes to a point at the rear, the required **rear yard** shall be measured from a line where the rear of the **lot** is ten (10) feet wide and parallel or tangent to the front **street** line.

Yard, Side

A **yard** between the **primary building** or **structure** and the **side lot line**, extending from the **front yard** or **front lot line** where no **front yard** is required, to the **rear yard**. The width of the required **side yard** is

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measured horizontally, at ninety (90) degrees with the **side lot line**, from the nearest point of the **side lot line** to the nearest part of the **primary building** or **structure**.

Yard Sale

A sale of personal property to the general public on any portion of a residential property, including properties in non**residential zoning districts** that are used for residential purposes. This definition shall also include all sales entitled **garage, patio, carport**, basement, **porch, driveway**, rummage, estate, moving and the like.

Zoning Administrator

The **person** appointed by the Fort Wayne and/or Allen **County Plan Commission** to enforce and administer the provisions of this ordinance.

Zoning District

Delineated areas within the **planning jurisdiction** of the **County**, as shown on the adopted zoning maps, in which the regulations of this ordinance apply.

Zoo

A facility where animals are kept for indoor or outdoor viewing by the public. Office, retail, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.