

COMPREHENSIVE ZONING ORDINANCE  
FOR  
THE TOWN OF CHANDLER

WHEREAS, The Town Council of the Town of Chandler, hereafter "Town Council" has confirmed a Municipal Plan Commission for the Town of Chandler, hereafter "Plan Commission" which shall exercise the function of planning zoning, and which shall have the power to make interpretations of the zoning map and text pursuant to Indiana Code 36-7-4-600 et seq.

NOW, THEREFORE, be it established, by the Town Council and Plan Commission that the Comprehensive Zoning Ordinance for the Town of Chandler shall be as follows:

CHAPTER 1

TITLE, PURPOSES AND METHODS

1.1. TITLE.

This Ordinance shall be known and cited as the Comprehensive Zoning Ordinance for the Town of Chandler, and hereinafter referred to as the "Ordinance."

1.2. PURPOSES.

This Ordinance is enacted for the purposes of protecting and promoting the public health, safety and general welfare of the Town, preventing undue concentration of land, encouraging the most appropriate use of land, regulating land use in the Town while preserving the rights of individual property owners to use and enjoy their land, and promoting the development of the Town in accordance with the Comprehensive Plan of the Town of Chandler.

1.3. METHODS.

In order to effectively accomplish the purposes of this Ordinance, the town is divided into districts. Districts are of such number, shape and area, and of such common unity of purpose, adaptability or use deemed most suitable to provide for the best general use, to protect the common rights and interests within each district, to preserve the general rights and interests of all, and to promote improved, wholesome, harmonious, and economic results in Town operations.

Furthermore, District Regulations shall prescribe minimum standards for the a) location, uses and occupancy of buildings, structures, and land to be used for trade, industry, residence or other purposes, and b) the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards and other open spaces.

## CHAPTER 2

### DEFINITIONS

#### GENERAL.

The singular shall include the plural and the plural shall include the singular. The future tense shall include the present tense and the present tense shall include the future tense. Other terms may be defined elsewhere within the Ordinance.

#### 2.1. ABUTTING PROPERTY OWNERS.

Official Owners of record title whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, easements, alleys and the like. For purposes of notifying abutting property owners, if only a portion of a parcel of real estate is being considered at a public hearing, and with the remaining portion owned by the same property owner, then the abutting property owner to the entire parcel shall be notified except that when the abutting property owner's real estate is 1,000 feet or more distant from the part of the real estate being considered, no notification shall be required.

#### 2.2. ACCESSORY.

This term applies to a building or use which is incidental or subordinate to the principal building or use, and which is located on the same lot with such principal building or use and which cannot be greater in size than the principle building or use.

#### 2.3. AGRICULTURE.

The tilling of the soil, the raising of crops, forestry, horticulture and gardening, keeping or raising of domestic animals and fowl, riding horses, and any agricultural industry or business such as dairy farms, greenhouses or similar uses excluding slaughterhouses.

#### 2.4. ALLEY.

A permanent public right of way other than a street, road or crosswalk, or easement which is not intended for general traffic circulation.

#### 2.5. ALTERATION, STRUCTURAL.

Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joints, reinforced concrete floor slabs, load-bearing partitions, columns, exterior walls, stairways, roofs, corridors or other structural materials used in a building that supports the said beams, ceiling and floor joists, load-bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure. The above defined structural alteration is applicable to any building or structure or any part thereof, whether or not permanent or temporary shoring is used during construction and whether or not additions to or rebuilding the major portion of an existing building is being accomplished.

- 2.6. **APARTMENT BUILDING.**  
A building which is used as a residence for three or more families living in separate dwelling units.
- 2.7. **AUTOMOBILE OR TRAILER SALES AREA.**  
An open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 2.8. **AUTOMOBILE REPAIR.**  
General repair, rebuilding, or reconditioning of automobiles including auto body repair and painting, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity.
- 2.9. **AUTOMOBILE SERVICE OR FILLING STATION.**  
A retail place of business engaged primarily in the sale of motor fuel which could also be engaged in supplying goods and services generally required in operation and maintenance of automotive vehicles and the fulfilling of motorist needs such as sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs as the Plan Commission may designate including body repair and painting of body are excluded.
- 2.10. **BAR.**  
An establishment engaged in the retail sale of alcoholic beverages for consumption on the premises, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are sold for consumption on the premises.
- 2.11. **BASEMENT.**  
A story of a building, the greater part of which is below the grade level. A basement shall not be included as a story for the purposes of height measurements.
- 2.12. **BEGINNING OF CONSTRUCTION.**  
The incorporation of labor and material in the foundation of a building or buildings.
- 2.13. **BLOCK FRONTAGE OR FRONTAGE.**  
All of the property fronting on one side of the street between intersection or intercepting streets or between a street and right of way, end of dead-end street or city boundary measured along the street line.
- 2.14. **BLOCK, RESIDENTIAL.**  
A block in which commercial, industrial and other non-residential uses are not permitted.

- 2.15. **BOARD OF ZONING APPEALS.**  
Board of Zoning Appeals shall mean the Town of Chandler Board of Zoning Appeals.
- 2.16. **BUILDING.**  
Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
- 2.17. **BUILDING AREA.**  
The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than (2) feet.
- 2.18. **BUILDING, COMPLETELY ENCLOSED.**  
A BUILDING separated on all sides from adjacent open space, or from other BUILDINGS or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- 2.19. **BUILDING DETACHED.**  
A building having no party wall in common with another building.
- 2.20. **BUILDING HEIGHT.**  
The vertical distance from the mean elevation at the ground level of the front of the building to the highest part of the roof.
- 2.21. **BUILDING LINE.**  
The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the buildings and structures and the front lot line.
- 2.22. **BUILDING, PRINCIPAL.**  
A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the building site on which the same is located. Where a garage, carport, porch or other structure is attached to the principal building in a substantial manner as by a roof, such structure shall be deemed to be part of the principal building.
- 2.23. **BUSINESS OR COMMERCIAL.**  
The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.
- 2.24. **CARPORT.**  
An open-sided accessory structure designed or used for the parking of self-propelled private passenger vehicles by the occupant of the main building.



**2.25. CEMETERY.**

Land used for the burial of the dead and dedicated for cemetery purposes, including crematoria, mausolea, and mortuaries when operated in conjunction with, and within, the boundary of such cemetery.

**2.26. CERTIFIED SURVEY.**

A survey, sketch, plan, map or other exhibit is said to be certified with a written statement regarding its accuracy or conformity to specified standards, signed by a registered engineer or registered surveyor, and showing property corner stakes; property line dimensions; interior property line angles; existing structures, their dimensions and relation to property lines; general elevation of property; all existing utilities and related data; existing right-of-way; easements of record; existing sidewalks; street zoning of record; building setbacks required by law; general block plan; and other pertinent survey data.

**2.27. CLINIC.**

An establishment where patients, who are not lodged over-night, are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the State of Indiana.

**2.28. CLUB, PRIVATE.**

Shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit, but the term shall not include casinos, night clubs, or other institutions operated as a business.

**2.29. COMMERCIAL VEHICLE.**

Any vehicle designed, intended or used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and/or boats.

**2.30. COMPREHENSIVE PLAN.**

That Comprehensive Plan duly approved by the Plan Commission on May 7, 1998 and the Town Council on May 13, 1998.

**2.31. DISTANCE BETWEEN RESIDENTIAL STRUCTURES.**

The shortest horizontal distance between the vertical walls of two residential structures as herein defined measured perpendicular to an axis, all points along which are midway between said walls.

**2.32. DISTRICT.**

A portion of the territory of the Town of Chandler within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. Includes "Zone" and "Zoning District."

2.33. DWELLING.

A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings.

Hotels, lodging or boarding houses or tourist homes are not included as dwellings.

2.34. DWELLING, ONE FAMILY.

A dwelling containing one DWELLING UNIT.

2.35. DWELLING, TWO-FAMILY OR DUPLEX.

A building designed for or used exclusively for residence purposes by two housekeeping units or families living independently of each other.

2.36. DWELLING, MULTIPLE.

A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, (and doing their own cooking in said building), including apartments and apartment hotels.

2.37. DWELLING ROW.

A building having a partywall on each side in common with an adjoining building.

2.38. DWELLING UNIT.

A BUILDING or portion thereof, designed for and occupied by one family for living and sleeping purposes with KITCHEN FACILITIES for the exclusive USE of the one family.

2.39. EASEMENT.

A strip or parcel of land dedicated for public utility purposes or other necessary public uses in conformity with the Town of Chandler Public Works Design Standards, which may not be used for non-utility permanent or temporary structures.

2.40. EDUCATIONAL INSTITUTIONS.

Preprimary, primary, or grammar, public, parochial or private school; high school; preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award B.A. or B.S. degree; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this chapter.

2.41. FAMILY.

Any number of individuals occupying a single housekeeping unit and using common cooking facilities not herein defined as a boarding house, lodging house or hotel.

2.42. FLOOR AREA.

The gross horizontal area, measured from the exterior faces of the exterior walls or from the exterior faces of supporting exterior columns for any floor not enclosed by exterior walls, or from the center line of party walls separating two buildings.

2.43. FRONTAGE.

See BLOCK FRONTAGE

2.44. GARAGE, PRIVATE.

A detached accessory building or portion of a main building, used for the storage of vehicles where the capacity does not exceed three (3) vehicles, and no more than one vehicle stored in such garage shall be a commercial vehicle not exceeding one and one half (1 ½) ton capacity.

2.45. GARAGE, REPAIR.

A BUILDING, or part thereof, where automobiles are received and a charge is made for repairs to any part thereof, but does not include automotive overhauling, wholesale rebuilding of automotive parts or paint and body works.

2.46. GROUND COVERAGE.

The percentage of the total lot area that is covered by structure(s).

2.47. HOME OCCUPATION.

Any non-residential occupation or activity conducted entirely within a dwelling and in which the person in charge of conducting same is an occupant of such dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and occupying not over twenty-five (25) percent of the first floor of such dwelling and does not change the character thereof and in connection with which there is not display of goods and outside storage of goods or equipment nor commodity sold on the premises except that which is produced by the persons engaged in such home occupation, and provided not more than one professional person and two non-professional assistants are engaged in such occupation.

2.48. HOSPITAL.

An establishment where patients may be lodged over-night and are admitted for examination and treatment by a person or group of persons practicing health services.

2.49. HOSPITAL, ANIMAL.

A building or premises used for the care of sick or injured animals, or veterinarian's hospital.

2.50. HOTEL.

A building or part thereof, in which rental sleeping units are offered to the public and which maintains an inner lobby through which all occupants must be provided means in which to pass to gain access; catering for transient and permanent occupancy; with no kitchen facilities for use by the occupants.

**2.51. IMPROVEMENT LOCATION PERMIT.**

A document issued by the Plan Commission of the Town of Chandler authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

**2.52. JUNK – SALVAGE YARD.**

A place (usually outdoors) where various discarded, used, unlicensed or inoperable items, including motor vehicles, and any other item or items so deemed by the Plan Commission, which are accumulated and/or stored and is or may be salvaged for reuse or resale wholly or as parts.

**2.53. KENNEL.**

Any lot or premises on which four (4) or more dogs or small animals, at least four (4) months of age, are kept.

**2.54. KITCHEN FACILITIES.**

An area of a building used for the preparation of meals which area shall include a kitchen sink.

**2.55. LIMITED ACCESS HIGHWAY.**

A traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such a manner as may be determined by the Indiana Department of Transportation.

**2.56. LOADING AND UNLOADING BERTHS.**

The off-street area for the receipt or distribution by vehicles of material or merchandise which, in this Ordinance, is held to be twelve (12) ft. by thirty-five (35) ft. Loading space with a fourteen (14) ft. height clearance exclusive of access aisles and maneuvering space.

**2.57. LOT.**

A parcel of land occupied or intended to be occupied by a principal building or buildings, together with accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on an improved and accepted public street or dedicated right of way which meets the standards of width and improvements specified for the street in question. It may be a single parcel separately described in a deed which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one lot. Any tract not meeting the minimum width and area requirements of the District in which it is located, and not of record on the effective date of this Ordinance shall not be considered a lot. Nor shall a lot be created by making another lot on which there is an existing building substandard under the terms of this Ordinance. In determining lot area and boundary lines no part thereof within the limits of a street or dedicated right of way shall be included.

2.58. LOT AREA.

The computed horizontal area contained within the lot lines of a lot.

2.59. LOT AREA, PERCENTAGE OF.

LOT COVERAGE divided by the LOT AREA.

2.60. LOT, CORNER.

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street right-of-way lines is the "corner".

2.61. LOT COVERAGE.

The combined area occupied by the ground floor of all principal and accessory buildings, as measured from the exterior faces of the exterior walls or from the exterior faces of supporting exterior columns for any portion of the ground floor not enclosed by exterior walls, or from the centerline of party walls separating two buildings.

2.62. LOT, DEPTH.

The mean horizontal distance between the front and the rear lot lines, or between the front lot line and the intersection of the two side lines if there should be no rear lot line.

2.63. LOT LINE, FRONT.

The line separating the lot from the street. In the case of a corner lot, the owner may select either street lot line as the front lot line.

2.64. LOT LINE, REAR.

A lot line which is opposite and most distant from the FRONT LOT LINE.

2.65. LOT LINE, SIDE.

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

2.66. LOT OF RECORD.

A lot that is part of a subdivision recorded in the office of the County Recorder, or a parcel or tract of land described by metes and bounds which has been so recorded.

2.67. LOT, THROUGH.

A lot having frontage on two parallel or approximately parallel streets.

2.68. LOT WIDTH.

The distance measured between side lot lines at the building set back line.

2.69. MANUFACTURED HOME.

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or IC 22 et seq., as promulgated by the Indiana Administrative Building Council. A modular housing unit is constructed in part or in whole at a place other than the foundation site, transported to the foundation site, and assembled on site to create one whole structure. The manufactured home or modular housing unit should include but not be limited to these features: asphalt roof, roof pitch of at least 2.5:12, house-type windows, doors and siding, and must be placed on a permanent foundation. Modular homes, prefabricated homes, and other such implied terms shall be deemed to be the same as "manufactured homes."

2.70. MASTER DEVELOPMENT PLAN OR COMPREHENSIVE PLAN. A duly approved development Plan of the comprehensive nature that designates the uses of land and the facilities that serve them.

2.71. MOBILE HOME OR TRAILER.

A factory-constructed, transportable structure designed for permanent residential use when placed on a lot and connected to utilities.

2.72. MOBILE HOME – FRONT

The longest side intended by design to be the front of the mobile home.

2.73. MOBILE HOME – BACK

The longest side intended by design to be the back of the mobile home.

2.74. MOBILE HOME – END

The two (2) sides of a mobile home having the narrowest dimensions.

2.75. MOBILE HOME PARK.

An area of land operated as a private business on which at least two (2) mobile homes are harbored on temporary supports to be occupied as principal residences. The term includes the following:

- (1) All real and personal property used in the operation of the mobile home park.
- (2) An area of land that is subdivided and contains individual lots that are leased or otherwise rented if at least two (2) mobile homes are harbored on temporary supports there for the purpose of being occupied as principal residences.

2.76. **MOBILE HOME SUBDIVISION.**

An area of land on which at least two (2) mobile homes, are harbored on temporary supports or permanent foundation for the purpose of being purchased and occupied as principal residences. The term includes the following:

- (1) All real and personal property used in the operation of the mobile home subdivision.
- (2) An area of land that is subdivided and contains individual lots that are purchased if at least two (2) mobile homes are harbored on temporary supports there for the purpose of being occupied as principal residences.
- (3) Add (3) Mobile home lot will be of same ownership.

2.77. **MOBILE HOME TIE DOWNS.**

Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. Said tie downs shall meet any and all state specifications.

2.78. **MORTUARY.**

A building or portion thereof which is designed or used for a funeral parlor or undertaking establishment.

2.79. **MOTEL.**

A building or a series of buildings, being attached, semi-detached, or detached, containing rental sleeping units, and where each unit has convenient access to a parking space for the use of the unit's occupants. The rental sleeping units, with the exception of a dwelling unit for the manager or caretaker, are devoted to the use of automobile transients and no kitchen facilities are offered.

2.80. **NON-CONFORMING BUILDING OR STRUCTURE.**

A building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or any amendment thereto, which was designed, erected, or structurally altered in such a manner that characteristics of the building or structure other than use regulations, do not meet the provisions of this Ordinance.

2.81. **NON-CONFORMING USE.**

The lawful use of a building, structure, land or portions thereof which use does not conform with the use regulations of the district in which it is located.

2.82. **NURSING HOME.**

Any facility in which persons are lodged and furnished with meals and nursing care.

2.83. **PARKING AREA/LOT.**

An off-street, private or public open area the principal use of which is for the parking of automobiles by the public, whether for compensation or not, or as an accommodation to the clients or customers.



2.84. PARKING SPACE.

A permanently surfaced area of not less than one hundred and eighty (180) square feet in area and nine (9) feet in width, either within a structure or in the open, excluding paved area necessary for access under the provisions of this ordinance, for the parking of a motor vehicle. When a garage or carport is provided for the sole use of an occupant of a single family or duplex residence, the driveway leading to said garage or carport may be considered an additional parking space if it is suitable for the purpose.

2.85. PERMITTED USE.

For purpose of this Ordinance, a permitted use in any district shall include any use listed as such in the portions of this ordinance delineating same for districts, and shall further include Conditional Uses provided a Conditional Permission is obtained.

2.86. PERSON.

A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

2.87. PLAT.

A map or drawing of a city, town, section or subdivision indicating the location and boundaries of individual properties.

2.88. PREMISES.

A lot including buildings thereon, if any.

2.89. PRIVATE SCHOOL.

Private preprimary, primary, grade, high or preparatory school or academy.

2.90. PROFESSIONAL OFFICE.

Office of members of recognized professions, such as an architect, artist, attorney, dentist, engineer, musician, physician, surgeon, or other professional person.

2.91. RECREATION, COMMERCIAL.

Recreation facilities operated as a business and open to the general public for a fee.

2.92. RESIDENTIAL DENSITY.

The average number of families living on one acre of land in the given area. Net residential density is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the areas that are used for residential purposes. Gross residential density is determined by dividing the total number of families in a defined area by the total acreage of land used for residences, street, local schools and local parks.

2.93. RESTAURANT.

A facility, other than one operated as a dining room in connection with a hotel, where food is prepared and served for a fee.

**2.94. SETBACK.**

The minimum distance between the street right of way line, rear or side lot lines, and the front line, rear line, or side line of the building or any projection thereof, excluding projections specifically permitted.

**2.95. SIGN.**

Any advertisement, announcement, direction or communication affixed or placed on a structure or on any land produced by painting on, posting or placing printed, lettered, pictured, figured or colored material on any building structure or surface. Signs placed or erected by the Town or the State for the purpose of showing street names or traffic directions or regulations for municipal or governmental purposes shall not be included herein. (See Chapter 25)

**2.96. SIGN, BILLBOARD.**

Any sign advertising merchandise, service, commodity sold, produce, manufactured, or furnished off of the premises where the sign is located. (See Chapter 25)

**2.97. SIGN, ILLUMINATED.**

Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or illuminated tubes as part of the sign, or illuminated by independently located spot lights or flood lights. (See Chapter 25)

**2.98. STORY.**

That portion of a building, included between the surface of any floor and the surface next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**2.99. STORY, HALF.**

A story with at least two of its opposite sides situated on a sloping roof, the FLOOR AREA of which does not exceed two-thirds of the floor area immediately below it.

**2.100. STREET.**

A public way established by or maintained under public authority, or a right of way dedicated to public use, whether constructed or not. Such public way or dedicated right of way shall be designated to meet the requirements for acceptance by the Town of Chandler, but shall in no case be less than fifty (50) feet in width, except that a width of forty (40) feet for any cul-de-sac with a turnaround of at least eighty (80) feet in width shall be sufficient.

**2.101. STRUCTURE.**

Anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground.

**2.102. STRUCTURAL ALTERATIONS.**

Any change in the walls, columns, beams or girders of a building.

**2.103. SUBDIVISION CONTROL ORDINANCE.**

That Subdivision Control Ordinance of the Town of Chandler.

**2.104. TOWN COUNCIL.**

The Town Council of the Town of Chandler.

**2.105. TOWN HOUSE.**

Attached or semi-detached buildings each containing a single dwelling unit and each located or capable of being located on a separate lot.

**2.106. TRADE OR BUSINESS SCHOOL.**

Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hair-dressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institutions as defined in this Section.

**2.107. USE.**

The purpose for which land or a building or structure is arranged, designed or intended or for which either land or a building is or may be occupied, maintained, let, or leased.

**2.108. USE, OPEN.**

The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five percent (5%) or less of the area of the lot.

**2.109. VARIANCE.**

A modification of, or deviation from, any regulation, except a Use regulation, for a specified zone DISTRICT of the COMPREHENSIVE ZONING ORDINANCE, which is authorized and approved by the Board of Zoning Appeals after it finds that the facts and conditions exist as specified in Chapter 29, Section 2, (1), (2), (3), (4), (5), (6).

**2.110. YARD.**

A space on the same lot with a structure or use, open and unobstructed from the ground to the sky, except by encroachments specifically permitted by the provisions of this ordinance.

**2.111. YARD, FRONT.**

A yard, extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

2.112. YARD, SIDE.

A yard between the foundation line of any part of the building and the side line of the lot and extending from the front yard to the rear yard.

2.113. YARD, REAR.

A yard extending across the full width of the lot between the rear line of the building and the rear line of the lot.

2.114. ZONING ORDINANCE.

Referred to throughout as "Ordinance" and meaning Comprehensive Zoning Ordinance for the Town of Chandler, Indiana.

## CHAPTER 3

### ZONING DISTRICTS

#### GENERAL.

For purposes of the Zoning Ordinance, the Town of Chandler shall be divided into districts. Only those uses that are specifically authorized in the respective districts shall be permitted. The use of districts is intended to further the purposes of regulating use of land, water, buildings, building heights, population density and open space.

3.1 The districts shall be designated as follows:

DISTRICT TYPE	SYMBOL
<i>Residential Districts</i>	
One Family Dwelling	R-1
One Family Dwelling	R-1A
One Family Dwelling	R-1B
One Family Dwelling	R-1C
One Family Dwelling	R-1D
Multiple Family Dwelling	R-2
Residential Office	R-O
Mobile Home Park	R-MH1
Mobile Home Subdivision	R-MH2
<i>Commercial Districts</i>	
Neighborhood Commercial	C-1
Shopping Center	C-2
Highway Commercial	C-3
General Commercial	C-4
<i>Industrial</i>	
Light Industrial	M-1
General Industrial	M-2
Solid Waste Disposal Facility/Salvage Yard	M-3

### 3.2 OFFICIAL ZONING DISTRICT MAPS.

The zoning district maps attached hereto as Appendix \_\_\_\_\_ are hereby made a part of this Ordinance. The zoning district maps shall show the areas of the Town of Chandler assigned to each district along with notations, references and the like. Official zoning district maps shall bear the signatures of the Town Council Members (together with the number of the Ordinance and its effective date.). Each district shall be subject to the stipulations and requirements set forth in this Ordinance.

### 3.3 REPLACEMENT OF OFFICIAL ZONING DISTRICT MAPS.

In the event that the Official Zoning District Maps become damaged, destroyed, lost or difficult to interpret due to modifications, the Town Council may by resolution adopt a replacement. The replacement may correct drafting or other errors or omissions, but may not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

### 3.4 ANNEXED AREAS.

All areas zoned Agricultural before annexation will be zoned "R-1A" in the Town after annexation. The zoning classification of all other areas annexed will become "R-1A" with any use that would not be allowed in a "R-1A" be deemed as a legal non-conforming use.

### 3.5 WATER AREAS

(1) The water surface and the land under the water surface of all canals, creeks, rivers, waterways, ponds, lakes and other water areas in the Town of Chandler are hereby placed in the same Zoning District as the land which it abuts as shown on the Zoning District Maps. Where the Zoning districts shown on the Zoning District Maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the center line or midpoint of the water area. (2) For convenience of mapping and clarity, the zoning of water areas is not shown on the zoning District Maps, but is determined by the provisions of this Section.

### 3.6 DISTRICTING OF VACATED WAYS AND RAILROAD RIGHT-OF-WAY

(1) Where a street or alley shown on the Zoning District Map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the Zoning District of adjoining property on either side of said vacated street or alley. (2) Railroad right-of-way in the Town of Chandler is hereby placed in the same Zoning District as the land which it abuts as shown on the Zoning District Maps. Where the Zoning Districts shown on the Zoning District Maps are different on opposite

sides of the railroad right-of-way, the kind of Zoning District on each side shall extend to the center line or midpoint of said right-of-way.

### 3.7 BOUNDARIES OF DISTRICTS

(1) Unless otherwise shown, the District boundaries are street lines, alley lines, or the subdividing or boundary lines of recorded plats, or the extensions thereof, and where the Districts designated on maps accompanying and made a part of this Ordinance are approximately bounded by street lines, alley lines or the extensions thereof shall be considered to be District boundaries. (2)

Where, due to the scale or illegibility of the District Map or due to the absence of a street, alley, or recorded subdividing or plat lines, there is an uncertainty, contradiction or conflict as to intended location of an District boundary, the Plan Commission shall interpret and recommend to the Town Council the intent of said District Maps so as to determine and designate the proper location for such District boundary in accordance with the spirit and purpose of the Zoning Ordinance. (3) Where the boundary line of a District divides a lot having frontage on a street in a less restricted zone, the provisions of this Ordinance covering the less restricted portion of such lot shall apply to the entire lot. Where the boundary line of a District divided a lot having frontage only on a street in a mortgage restricted District, the provisions of this Ordinance covering the more restricted portion of such lot shall apply to the entire lot.



## CHAPTER 4

### GENERAL PROVISIONS

#### 4. GENERAL PROVISIONS.

##### 4.1 CONFLICTING REGULATIONS.

Wherever any provisions of this Ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern.

##### 4.2 SCOPE.

No building or structure or part thereof, shall hereafter be erected, construed, reconstructed or altered, and maintained, and no existing use, new use or change of use of any building, structure or land, or part thereof shall be made or continued, except in conformity with the provisions of this Ordinance.

##### 4.3 BUILDING UNDER CONSTRUCTION.

Any building or structure the construction of which has been started prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and specifications provided such construction is completed within one (1) year after the effective date of this Ordinance.

##### 4.4 TIME LIMIT.

Where the Town Council has given or granted an approval, special exception, permit, or variance pursuant to the provisions of this Ordinance, such approval or grant, and any permit pursuant thereto, shall become null and void unless construction or use thereon is underway within six (6) months of the effective date of such action, unless an extension of time has been obtained as set forth in 28.6.

##### 4.5 UNPLATTED LAND.

It shall be unlawful for any person, firm or corporation to erect, have constructed, or cause to be erected, have constructed, or cause to be erected or constructed, any building upon any unplatted land in the Town of Chandler, and no permit shall be issued for the erection or construction of any building on any unplatted land.

##### 4.6 PLATTING OF UNPLATTED LAND.

Any landowner who wishes to divide a tract of land into lots, blocks, parcels, or other portions, however designated, must do so in conformity with this Ordinance and the Town of Chandler Subdivision Control Ordinance.

#### 4.7 NUISANCES.

Nothing shall be allowable on the premises in any District, provided for in this Ordinance, that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, light, vibration, or noise. Nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or residents or to the community.

#### 4.8 AIRPORT RESTRICTIONS.

The issuance of all permits shall be subject to any restrictions of any other federal, state or local government agency regulating development in areas affected by airport or aeronautic restrictions.