

## CHAPTER 170: GENERAL PROVISIONS

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### § 170.01 TITLE, PURPOSES, AND METHODS.

(A) *Title.* This chapter shall be known and cited as the Comprehensive Zoning Ordinance for the Town of Chandler, Indiana, and hereinafter referred to as “this title.”

(B) *Purposes.* This title 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 most current adopted edition of the Comprehensive Plan of the Town of Chandler.

(C) *Methods.* In order to effectively accomplish the purposes of this title, 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:

(1) Location, uses and occupancy of buildings, structures, and land to be used for trade, industry, residence or other purposes, and

(2) 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.

(D) *Interpretation.* 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 this title.

(Ord. 2017-02, passed 2-20-2018)

### § 170.02 MISCELLANEOUS PROVISIONS.

(A) *Interpretation, purpose and conflict.* In interpreting and applying the provisions of this title they shall be held to be a minimum requirement for the promotion of the health, safety, morals and general welfare of the community. It is not intended by this title to interfere with, abrogate or annul any easements, covenants or agreements between parties, provided however, that where the regulations of this title are more restrictive than regulations on the same point, as contained in any other law or ordinance, or restrictions by deed or subdivision in “R” (Residential) Districts the provisions of this title shall govern.

(B) *Validity.* Should any chapter, section, paragraph, sentence, clause, phrase or other part of this title be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the title as a whole, or any part thereof, other than the part so declared to be invalid.

(C) *Savings clause.* Any prosecution arising from violations of any ordinance repealed by this Comprehensive Zoning Ordinance, which prosecution may be pending at the time this title becomes effective or any prosecution which may be started within 1 year after the effective date of this title in consequence of any violation of any ordinance repealed herein, which violation was committed prior to the effective date of this title, shall be tried and determined exactly as if such ordinance had not been repealed.

(D) *Repeals.* All other ordinances or laws in conflict with the provisions of this Comprehensive Zoning Ordinance or inconsistent with the provisions of this title, are hereby repealed to the extent necessary to give this Comprehensive Zoning

Ordinance full force and effect.

(Ord. 2017-02, passed 2-20-2018)

### **§ 170.03 DEFINITIONS.**

For the purposes of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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.

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A building, or structure or use which is incidental or subordinate to the principal building or use, and which is located on the same lot, or an adjacent lot, with such principal building or use, and which cannot be greater in size than the principal building or use. **ACCESSORY STRUCTURE** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. **ACCESSORY STRUCTURES** can include, but not be limited to: detached garages, carports, storage sheds, post-frame structures, in ground and above ground pools. The following structures are not considered **ACCESSORY STRUCTURES**, but not limited to: over-the-road semi-trailers, shipping containers, enclosed truck boxes from a straight body truck. Exception: PODS and MINI storage and similar units are allowed for storage when used in conjunction with a home remodel or rebuild and is only as good as long as the building permit.

**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.

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

**ALTERATION, STRUCTURAL.** Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joist, 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.

**APARTMENT BUILDING.** A building which is used as a residence for 3 or more families living in separate dwelling units.

**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.

**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 1.5 tons hauling capacity.

**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.

**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.

**BASEMENT.** That portion of a building that is partly or completely below finish grade. **ABASEMENT** shall not be considered as a story for the purpose of height measurements unless the distance from the top of the floor above the basement is 6 feet or more to the finished grade for 50% or more of the building perimeter.

**BEGINNING OF CONSTRUCTION.** The incorporation of labor and material in the foundation of a building or buildings.

**BLOCK FRONTAGE or FRONTAGE.** All of the property fronting on 1 side of the street between corner lots or intersecting streets or between a street and right-of-way, end of dead-end street or town boundary measured along the street line.

**BLOCK, RESIDENTIAL.** A block in which commercial, industrial, and other non-residential uses are not permitted.

**BOARD OF ZONING APPEALS.** Board of Zoning Appeals shall mean the Town of Chandler Board of Zoning Appeals.

**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.

**BUILDING AREA TOTAL.** The gross horizontal area included within the exterior face of surrounding exterior walls for all floors or from the center line of party walls separating 2 or more units. Basements are considered a floor for the purposes of **BUILDING AREA**. The maximum horizontal projected area of the principal building or accessory building not including open (no roof) stoops, steps, decks, patios, and terraces.

**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 required entrance or exit doors.

**BUILDING, DETACHED.** A building having no party wall in common with another building.

**BUILDING FOOTPRINT.** The area included within the exterior face of surrounding exterior walls for the first floor including attached garages, and/or carports, porches, steps, decks, patios, and terraces.

**BUILDING HEIGHT.** The vertical distance from the mean (average) elevation at the ground level of the front of the building to the highest part of the roof.

**BUILDING LINE.** The line nearest the front property line and across a lot establishing the minimum open space to be provided between the front property line on intermediate lots, and between the front property line and side property line of a corner lot and the buildings and/or structures.

**BUILDING, MAIN.** See **BUILDING, PRINCIPAL**.

**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**.

**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.

**CARPORT.** An open accessory structure that is open on at least 2 sides and designed or used for the parking of self-propelled private passenger vehicles, boats, camping trailers, utility trailers, and the like by the occupant of the principal building. **CARPORTS** may be freestanding or attached to the principal structure or another accessory structure.

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

**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.

**CLINIC.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by 1 person or a group of persons practicing any form of healing or health building services to individuals, whether such persons by medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the State of Indiana.

**CLUB, PRIVATE.** Those associations and organizations of a fraternal or social character, not operated or maintained for profit, but not casinos, night clubs, or other institutions operated as a business.

**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.

**COMMISSION.** The Advisory Planning Commission ("APC") of Chandler, Indiana.

**COMPREHENSIVE PLAN.** The Comprehensive Plan duly approved by the Advisory Planning Commission on February 11, 2013 and the Town Council on February 11, 2013.

**DIRECTOR.** The Executive Director of the Advisory Plan Commission.

**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.

**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 title. Includes **ZONE** and **ZONING DISTRICT**.

**DWELLING.** A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings. Hotels, lodging, or boarding houses or tourist homes are not included as **DWELLINGS**.

**DWELLING, 1-FAMILY.** A dwelling containing 1 dwelling unit.

**DWELLING, 2-FAMILY OR DUPLEX.** A building designed for or used exclusively for residence purposes by 2 dwelling

units or families living independently of each other.

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

**DWELLING ROW.** A building having a party wall on each side in common with an adjoining building except for exterior end wall.

**DWELLING UNIT.** A single unit providing complete independent living facilities for 1 or more persons (1 family) including permanent provisions for living, sleeping, eating, cooking and sanitation.

**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 unless otherwise required by Indiana law.

**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.

**EXECUTIVE DIRECTOR.** The Executive Director of the Advisory Plan or Planning Commission.

**FAMILY.** Any number of individuals occupying a single unit not herein defined as a boarding house, lodging house, motel or hotel.

**FLOOR AREA.** See **BUILDING AREA TOTAL** definition.

**FRONTAGE.** See **BLOCK FRONTAGE**.

**GARAGE, PRIVATE.** A detached accessory building or portion of a main building that has 3 or more sides with or without a garage door, used for the storage of vehicles where the capacity does not exceed 3 vehicles, and no more than 1 vehicle stored in such garage may be a commercial vehicle not exceeding 1.5-ton hauling capacity.

**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.

**GROUND COVERAGE.** The percentage of the total lot area that is covered by a principal building and all accessory structure(s). Formula = Total square feet of all structures on the lot divided by the total lot square footage equals the lot coverage percentage.

**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 25% 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 1 professional person and 2 non-professional assistants are engaged in such occupation.

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

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

**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 (except for small refrigerators or microwave ovens) for use by the occupants.

**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 title and for the purpose of carrying out and enforcing its provisions.

**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.

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

**KITCHEN FACILITIES.** An area of a building used for the preparation of food which area shall include a kitchen sink.

**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.

**LOADING AND UNLOADING BERTHS.** The off-street area for the receipt or distribution by vehicles of material or merchandise which, in this title, is held to be 12 feet by 35 feet loading space with a 14-foot height clearance exclusive of access aisles and maneuvering space.

**LOT.** A parcel of land occupied or intended to be occupied by a principal building, together with accessory buildings or structures, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, 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 1 another and used as 1 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 title 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 title. In determining **LOT** area and boundary lines no part thereof within the limits of a street or dedicated right-of-way shall be included.

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

**LOT AREA, PERCENTAGE OF.** Lot coverage of the principal building and all accessory structure(s) in square feet divided by the lot area in square feet.

**LOT, CORNER.** A lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street right-of-way lines is the **CORNER**.

**LOT COVERAGE.** The combined area occupied by the building area footprint of the principal and accessory buildings or structures.

**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 2 side lines if there should be no rear lot line.

**LOT, LINE.** In general a line dividing 1 lot from another lot, or parcel, or tract of land, or from a street or any other public place.

**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**.

**LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line.

**LOT LINE, SIDE.** Any lot line other than a front or rear lot line. **ASIDE LOT LINE** separating a lot from a street is called a **SIDE STREET LOT LINE**

**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 in the office of the County Recorder

**LOT, THROUGH.** A lot having frontage on 2 parallel or approximately parallel streets.

**LOT WIDTH.** The distance measured between side lot lines. The minimum **LOT WIDTH** requirements are measured at the building setback line. The principal structure and side yard requirements are measured at the building setback line when side lines are not parallel. See also the definition of **BUILDING LINE**.

#### **MANUFACTURED HOME.**

(1) A dwelling unit consisting of 2 or more sections 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 I.C. 22 *et seq.*, as promulgated by the Indiana Administrative Building Council. The manufactured home should include but not be limited to these features:

- (a) Homes are built and must conform to a federal building code, called HUD Code, rather than to state or local building codes;
- (b) Homes are built in a factory in a controlled environment;
- (c) Homes are built on a non-removable steel beam chassis;
- (d) Sections are transported to the building site on their own wheels and towing frame work;
- (e) Multi-part manufactured sections (units) are joined together at their destination;
- (f) Local building inspectors check the work done locally, e.g., electric hook up, gas connections, and the like, but are not required to approve the structure unless an on-site structural change was performed;
- (g) Asphalt shingle roof, metal roof, wood shingle roof, other acceptable residential roof material as approved;
- (h) Roof pitch of at least 2.5:12;
- (i) House-type windows, doors and siding; and
- (j) A permanent foundation and anchored in accordance with the State of Indiana regulations.

(2) **MODULAR HOMES, PREFABRICATED HOMES**, and other such implied terms shall be deemed to be the same as **MANUFACTURED HOMES**. The term **MANUFACTURED HOME** does not include a “recreational vehicle.”

**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.

**MOBILE HOME.** A dwelling unit consisting of a single wide section factory-constructed, transportable structure designed for permanent residential use when placed on a lot with a permanent or temporary supports and connected to utilities. **MOBILE HOMES** are only allowed in Mobile Home Zoning Districts R-MH1 (Residential Mobile Home Park District) or R-MH2 (Residential Mobile Home Subdivision District). The **MOBILE HOME** should include but not be limited to these features:

- (1) Homes are built and must conform to a federal building code, called HUD Code, rather than to state or local building codes;
- (2) Homes are built in a factory in a controlled environment;
- (3) Homes are built on a non-removable steel beam chassis;
- (4) Home is transported to the site location on their own wheels and towing frame work;
- (5) Local building inspectors check the work done locally, e.g., electric hook up, gas connections, and the like, but are not required to approve the structure unless an on-site structural change was performed;
- (6) Asphalt shingle roof, metal roof, wood shingle roof, other acceptable residential roof material as approved;
- (7) May or may not have house-type windows, doors and siding; and
- (8) Must be secured with tie-down straps in accordance with the State of Indiana regulations.

**MOBILE HOME – FRONT.** The longest side intended by design to be the front of the mobile home.

**MOBILE HOME – BACK.** The longest side intended by design to be the back of the mobile home.

**MOBILE HOME – END.** The 2 sides of a mobile home having the narrowest dimensions.

**MOBILE HOME PARK.** An area of land operated as a private business on which at least 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**; and
- (2) An area of land that is subdivided and contains individual lots that are leased or otherwise rented if at least 2 mobile homes are harbored on temporary supports there for the purpose of being occupied as principal residences.

**MOBILE HOME SUBDIVISION.** An area of land on which at least 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**; and
- (2) An area of land that is subdivided and contains individual lots that are purchased if at least 2 mobile homes are harbored on temporary supports there for the purpose of being occupied as principal residences.

**MOBILE HOME TIE DOWNS.** Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. The **TIE DOWNS** shall meet any and all state specifications.

**MODULAR HOME.** A dwelling unit consisting of 2 or more sections fabricated in an off-site manufacturing facility for installation or assembly at the building site. The **MODULAR HOME** should include but not be limited to these features:

- (1) Must conform to all state and local codes where home will be placed.
- (2) Homes are built in sections in a factory in a controlled environment.
- (3) Homes are transported to the home site on truck beds then joined together by the local contractor.
- (4) Local building inspectors check to make sure a modular home’s structure meets requirements and that all finish work is done in accordance with the building codes.
- (5) Must be placed on a permanent foundation and anchored in accordance with the State of Indiana regulations.

**MORTUARY.** A building or portion thereof which is designed or used for a funeral parlor or undertaking establishment for human body preparation for viewing, cremation, burial, and the like.

**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. Exception: A small room refrigerator and microwave oven are acceptable.

**NON-CONFORMING BUILDING OR STRUCTURE.** A building or structure or portion thereof lawfully existing at the

effective date of this title, 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 title.

**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.

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

**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. All **PARKING AREAS OR LOTS** shall have a paved surface area of portland cement concrete (PCC) or asphaltic concrete. See Town of Chandler, Public Works Design Standards, Chapter 6 Streets, applicable sections regarding parking.

**PARKING SPACE.** A permanently paved area of not less than 9 feet in width by 18 feet in length, either within a structure or in the open, excluding paved area necessary for access under the provisions of this title, 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.

**PERMITTED USE.** For purpose of this title, a **PERMITTED USE** in any district shall include any use listed as such in the portions of this title delineating same for districts, and shall further include conditional uses provided a conditional permission is obtained.

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

**PLANNING OR PLAN COMMISSION.** The Advisory Planning Commission ("APC") of the Town of Chandler, Indiana.

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

**PREMISES.** A lot or tract of land including buildings or structures thereon, if any.

**PRIVATE SCHOOL.** Private preprimary, primary, grade, high, or preparatory school or academy.

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

**RECREATION, COMMERCIAL.** Recreation facilities operated as a business and open to the general public for a fee.

**RESIDENTIAL DENSITY.** The average number of families living on 1 acre of land in the given area.

(1) **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.

(2) **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.

**RESTAURANT.** A facility, other than 1 operated as a dining room in connection with a hotel, where food is prepared and served for a fee.

**SETBACK.** The minimum distance between the street right-of-way line (front property 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.

**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.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**STORY, HALF.** A story with at least 2 of its opposite sides situated on a sloping roof, and the floor area of which does not exceed 2/3 or 66.6% of the floor area immediately below it.

**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 50 feet in width, except that a width of 40 feet for any cul-de-sac with a turnaround of at least 80 feet in width shall be sufficient.

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

**STRUCTURAL, ALTERATIONS.** Any change in the floors, walls, columns, beams or girders of a building.

**SUNROOM ADDITION.** A 1-story structure added to an existing dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof.

**SUBDIVISION CONTROL ORDINANCE.** The Subdivision Control Ordinance of the Town of Chandler. (See Chapter 153.)

**TOWN.** The Town of Chandler, Indiana.

**TOWN COUNCIL.** The governing body of the Town of Chandler, Indiana.

**TOWNHOUSE.** A building or buildings each containing a single-family dwelling unit and each located or capable of being located on a separate lot. Two or more **TOWNHOUSES** shall extend from foundation to roof and with open space on at least 2 sides. The center of the common wall shall be considered the property line.

**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.

**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.

**USE, OPEN (PARKING LOT).** The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to 5% or less of the area of the lot.

**VARIANCE.** A modification of, or deviation from, any regulation, except a use regulation, for a specified zone district of this title which is authorized and approved by the Board of Zoning Appeals after it finds that the facts and conditions exist as specified herein.

**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 title.

**YARD, CORNER SIDE.** A yard, extending across the full side of the lot, the depth of which shall be the least distance between the side lot line and the side of the main building.

**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 building setback line of the main building.

**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.

**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.

**ZONING ORDINANCE.** Referred to throughout as "this title" and meaning Comprehensive Zoning Ordinance for the Town of Chandler, Indiana.

(Ord. 2017-02, passed 2-20-2018)

**Editor's note:**

See § 175.06 for additional definitions.

**§ 170.04 CONFLICTING REGULATIONS.**

Wherever any provisions of this title 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 title shall govern.

(Ord. 2017-02, passed 2-20-2018)

**§ 170.05 SCOPE.**

No building or structure or part thereof, shall hereafter be erected, constructed, 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 title.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

**§ 170.06 BUILDING UNDER CONSTRUCTION.**

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

(Ord. 2017-02, passed 2-20-2018)

**§ 170.07 TIME LIMIT.**

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



(Ord. 2017-02, passed 2-20-2018)

**§ 170.08 UNPLATTED LAND.**

It shall be unlawful for any person, firm or corporation to erect, or cause to be erected, 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.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

**§ 170.09 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 title and the Town of Chandler Subdivision Control Ordinance (Chapter 153).

(Ord. 2017-02, passed 2-20-2018)

**§ 170.10 NUISANCES.**

Nothing shall be allowable on the premises in any district, provided for in this title, 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. Also see Chandler Municipal Code Chapter 94 (Nuisances).

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

**§ 170.11 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.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99