

CHAPTER 171: ZONING DISTRICTS

Section

- 171.01 General
- 171.02 Official zoning district maps
- 171.03 Replacement of official zoning district maps
- 171.04 Annexed areas
- 171.05 Water areas
- 171.06 Districting of vacated ways and railroad right-of-way
- 171.07 Boundaries of districts
- 171.08 Table of Standards for Principal Buildings on Individual Lots
- 171.09 Special exemptions
- 171.10 One-Family Dwelling (R-1, R-1A, R-1B, R-1C, and R-1D) Districts
- 171.11 Manufactured housing used as a 1-family dwelling in R-1, R-1A, R-1B, R-1C, and R-1D Districts
- 171.12 Multiple-Family (R-2) Districts
- 171.13 Single Apartment Building (R-3) District
- 171.14 Apartment Building Complex (R-4) District
- 171.15 Residential Office (R-O) District
- 171.16 Residential Mobile Home Park (R-MH1) District
- 171.17 Residential Mobile Home Subdivision (R-MH2) District
- 171.18 Neighborhood Commercial (C-1) District
- 171.19 Planned Shopping Center (C-2) District
- 171.20 Highway Commercial (C-3) District
- 171.21 General Commercial (C-4) District
- 171.22 Light Industrial (M-1) District
- 171.23 General Industrial (M-2) District
- 171.24 Solid Waste Disposal Facility and Salvage Yards (M-3) District

§ 171.01 GENERAL.

(A) For purposes of this title, 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.

(B) The districts shall be designated as follows:

<i>DISTRICT TYPE</i>	<i>SYMBOL</i>
<i>DISTRICT TYPE</i>	<i>SYMBOL</i>
<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-1
Multiple-Family Dwelling (Duplexes)	R-2
Single Building of Apartment, Multiple, or Condominium Dwelling Units of 4 or more	R-3
Building Complex of 2 or more Buildings of Apartment, Multiple, or Condominium Dwelling Units of 4 or more	R-4

<i>Residential Office</i>	R-O
Mobile Home Park	R-MH 1
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 and Salvage Yard	M-3

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

§ 171.02 OFFICIAL ZONING DISTRICT MAPS.

The zoning district maps attached to Ordinance No. 2017-02 are hereby made a part of this title. The zoning district maps shall show the areas of the town 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 title.

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

§ 171.03 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.

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

§ 171.04 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 an R-1A District be deemed as a legal non-conforming use.

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

§ 171.05 WATER AREAS.

(A) 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 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.

(B) 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.

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

§ 171.06 DISTRICTING OF VACATED WAYS AND RAILROAD RIGHT-OF-WAY.

(A) Where a street or alley shown on the zoning district map is hereafter officially vacated by re-platting 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.

(B) Railroad right-of-way in the town 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.

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

§ 171.07 BOUNDARIES OF DISTRICTS.

(A) 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 title are approximately bounded by street lines, alley lines or the extensions thereof shall be considered to be district boundaries.

(B) 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 a district boundary, the Plan Commission shall interpret and recommend to the Town Council the intent of the district maps so as to determine and designate the proper location for such district boundary in accordance with the spirit and purpose of this title.

(C) Where the boundary line of a district divides a lot having frontage on a street in a less restricted zone, the provisions of this title 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 title covering the more restricted portion of such lot shall apply to the entire lot.

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

§ 171.08 TABLE OF STANDARDS FOR PRINCIPAL BUILDINGS ON INDIVIDUAL LOTS.

<i>District</i>	<i>Max Height</i>	<i>Min. Lot Area</i>	<i>Min. Width (Feet)</i>	<i>Min. Front Yard (Feet)</i>	<i>Minimum Side Yard</i>	<i>Min. Side Yard Street Side Corner Lot (Feet)</i>	<i>Min. Rear Yard (Feet)</i>	<i>Lot Coverage</i>
R1, R	2.5 stories not to exceed 35 ft.	7,500 sq. ft	75	25	10% *	25	25	30%
R1-A	2.5 stories not to exceed 35 ft.	10,000 sq. ft	75	25	10% *	25	25	30%
R1-B	2.5 stories not to exceed 35 ft.	12,000 sq. ft	80	25	10% *	25	25	30%
R1-C	2.5 stories not to exceed 35 ft.	15,000 sq. ft	80	25	10% *	25	25	30%
R1-D	2.5 stories not to exceed 35 ft.	21,780 sq. ft	100	25	10% *	25	25	20%
R-2 *4	2.5 stories not to exceed 3 5ft.	8,500 sq. ft	85	25	10% *	25	25	40%
R-3	3 stories not to exceed 45 ft.	None	None	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
R-4	3 stories not to exceed 45 ft.	None	None	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
R-O	3 stories not to exceed 45 ft.	6,000 sq. ft	75	25	10% *	25	25	40%
R-MH1 *5	1 story not to exceed 20 ft. *2	5,000 sq. ft	50	15	10 ft. each side	10	15	30%
R-MH2	1 story not to exceed 20 ft. *2	7,500 sq. ft	75	25	10% *	25	25	30%

C-1	3 stories not to exceed 45 ft.	None *6	None *7	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
C-2	3 stories not to exceed 4 5ft.	None *6	None *7	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
C-3	3 stories not to exceed 45 ft.	None *6	None *7	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
C-4	3 stories not to exceed 45 ft.	None *6	None *7	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	5 ft. unless abuts an "R" then 10 ft.	None
M-1 *3	No limit	None *6	None *7	5 ft. unless abuts an "R" then 20 ft.	5 ft. unless abuts an "R" then 20 ft.	5 ft. unless abuts an "R" then 20 ft.	5 ft. unless abuts an "R" then 20 ft.	None
M-2 *3	No limit	None *6	None *7	5 ft. unless abuts an "R" then 30 ft.	5 ft. unless abuts an "R" then 30 ft.	5 ft. unless abuts an "R" then 30 ft.	5 ft. unless abuts an "R" then 30 ft.	None
M-3	No limit	None	None	None unless abuts an "R" then 50 ft.	None unless abuts an "R" then 50 ft.	None unless abuts an "R" then 50 ft.	None unless abuts an "R" then 50 ft.	None

- * Total lot side yard requirement are 25% except a corner lot.
- *2 A basement will not be counted as a story for manufactured homes.
- *3 A 45-foot height limit shall exist within 150 feet of an "R" Zone.
- *4 or 3,000 square feet per dwelling unit – whichever is the greatest.
- *5 See § 171.16(K) for additional yard requirements.
- *6 Total area of buildings and/or structures plus all yard requirement areas.
- *7 Total width of buildings and/or structures plus all side yard required widths.

(Ord. 2017-02, passed 2-20-2018; Am. Ord. 2022-07, passed 8-1-2022)

§ 171.09 SPECIAL EXEMPTIONS.

(A) The following special exemptions to the district regulations in the particular situations specified in this title may be granted by the Board of Zoning Appeals following a public hearing where such uses are deemed essential or desirable to the public convenience or welfare. In granting permission for a special exemption the Board shall make a finding following the public hearing that such special exemption is in harmony with the various elements or objectives of this title. In granting a special exemption, the Board of Zoning Appeals may impose such conditions and safeguards it deems appropriate in order to achieve the intent of this title. Failure to comply with such conditions and safeguards, when made a part of the approval under which an exception is granted, shall void the exception granted and shall be a violation of this title.

- (1) Airport or aircraft landing field.
- (2) Cemetery or crematory.
- (3) Local government enterprises.
- (4) Hospital.

(5) *Public utilities.* Structures or uses required for such public utilities (privately owned and operated) as gas, water, electric, and telephone can be located within any district where not specifically prescribed and listed upon recommendation and approved of the Board of Zoning Appeals. The erection, construction, alteration, or maintenance by municipal or other government utilities of underground or overhead gas, electrical, steam, or water transmission or distribution systems,

collection, communication supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, public telephone booths, police call boxes, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such municipal or governmental utilities for the public health or safety or general welfare are permitted.

(6) Public parks, playgrounds and recreational areas.

(7) Radio or television transmitter, tower and studio.

(8) *Public, private or parochial schools.* Private and parochial schools shall offer curricula substantially equivalent to public schools of comparable grades and shall be approved by the Indiana State Department of Education.

(9) Public kindergarten or day nursery.

(10) Police station or fire station.

(11) Public library or museum.

(12) University or college.

(13) Post office.

(14) Municipal stadium or coliseum.

(15) Penal or correctional institutions, sanitarium, hospital or asylum for contagious, mental, drug or liquor addict cases.

(16) Group homes for the mentally ill and developmentally disabled.

(B) *Other special exemptions.* Other exemptions or uses similar to the above, which, in the judgment of the Board of Zoning Appeals are similar to and not more objectionable to the general welfare than the special exemptions listed. Other special exemptions so determined shall be regarded as listed exemptions.

(C) The granting of a special exemption as defined in this chapter for a use existing on the date this title becomes effective is unnecessary except that major changes in layout, expansion or enlargement of a building, structure or land area shall be subject to review and approval as required for special exemptions.

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

§ 171.10 ONE-FAMILY DWELLING (R-1, R-1A, R-1B, R-1C, AND R-1D DISTRICTS.

(A) *General.* The following regulations shall apply in all R-1, R-1A, R-1B, R-1C, and R-1D Districts.

(B) *Use regulations.* No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than 1 or more of the following specified permitted uses:

(1) One-family dwelling.

(2) Church.

(3) The following use if approved as conditional use: Beauty or barber parlor provided the non-residential activity does not occupy more than 20% of the first or ground floor or basement within a residential dwelling unit. Only business related products can be sold to clients on the premises and 1 person only shall be engaged in such occupation.

(4) Uses accessory to any of the above when located on the same lot and not involved in conducting of any business, trade, occupation, or profession.

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

§ 171.11 MANUFACTURED HOUSING USED AS A 1-FAMILY DWELLING IN R-1, R-1A, R-1B, R-1C, AND R1D DISTRICTS.

(A) *General.* The following regulations shall apply in all R-1, R-1A, R-1B, R-1C, and R-1D Districts.

(B) *Use regulations.* No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than 1 or more of the following specified permitted uses:

(1) Manufactured homes.

(2) Modular homes.

(3) Prefabricated homes.

(4) The following use if approved as conditional use: Beauty or barber parlor provided the non-residential activity does not occupy more than 20% of the first floor or ground floor or basement within residential dwelling unit. No commodity shall be sold on the premises and 1 person only shall be engaged in such occupation.

(5) Uses accessory to any of the above when located on the same lot and not involving the conduct of any business, trade, occupation, or profession.

(C) *Limitations of use.* The establishment, placement, and use of manufactured homes, modular homes, and prefabricated homes shall meet the following requirements and limitations:

(1) The home shall meet all the requirements applicable to single-family dwellings and possess all necessary improvement location, building, and certificate of occupancy permits and other certifications as required by the town.

(2) The home shall be a minimum 1,000 square feet of net occupied space and 23 feet or wider to outside face of walls and shall meet the square footage requirements for the appropriate zone.

(3) The home shall be attached and anchored to a permanent foundation in conformance with the regulations of the most current edition of the "Indiana One and Two Family Dwelling Code," and in accordance with the manufacturer's written installation instructions and specifications.

(4) The home shall be covered with exterior material customarily used on site built residential dwellings.

(5) The home shall have a roof composed of a material customarily used on site built homes, such as but not limited to: fiberglass, asphalt, shake, tile, concrete, or metal, which shall be installed onto a surface appropriately pitched for the selected roof material.

(6) The home cannot be 10 years or older at the time of installation as determined by the date of manufacture.

(7) The dwelling unit shall have been manufactured or fabricated in off-site manufacturing facility for installation or assembly at the building site, and bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or I.C. 22-11-1-1 *et seq.*, as promulgated by the Indiana Administrative Building Council.

(D) Manufactured homes not meeting the above terms and mobile homes shall be permitted within the town only after receiving a conditional use permit from the Chandler Planning Commission or in zones which specifically permit such homes.

(E) Due to the integral design of manufactured homes, modular homes, and prefabricated homes any structural alteration or modification after it is placed on the site must be approved by the Chandler Planning Commission.

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

§ 171.12 MULTIPLE FAMILY (R-2) DISTRICTS.

(A) *General.* The following regulations shall apply to all R-2 Districts.

(B) *Use regulations.* No building or structure or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than 1 or more of the following specified permitted uses:

(1) Two-family dwellings (duplexes).

(2) Multiple dwellings, not to exceed 3 dwelling units.

(3) The following uses if approved as a conditional use:

(a) Day nursery or preschool.

(b) Private clubs, lodge, fraternity, sorority and similar uses not operated for profit.

(c) Room and boarding houses.

(d) Doctor's office.

(e) Nursing or rest home.

(f) Lodging and tourist homes.

(g) Bed and breakfast.

(4) Uses accessory to any of the above when located on the same lot and not involving the conduct of any business, trade, occupation or profession unless otherwise specified in this title.

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

§ 171.13 SINGLE APARTMENT BUILDING (R-3) DISTRICT.

(A) *Uses in the R-3 District.* A building or land may not be used, and a building may not be erected or altered, except for 1 or more of the following uses:

(1) Single building of apartment dwelling units of 4 or more.

(2) Single building of multiple dwelling units of 4 or more.

(3) Single building of condominium dwelling units of 4 or more.

(B) The uses permitted in the R-3 District are subject to the following requirements:

(1) Maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

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

§ 171.14 APARTMENT BUILDING COMPLEX (R-4) DISTRICT.

(A) *Uses in the R-4 District* A building or land may not be used, and a building may not be erected or altered, except for 1 or more of the following uses:

- (1) Building complex of 2 or more apartment buildings of apartment dwelling units of 4 or more.
- (2) Building complex of 2 or more multiple dwelling buildings of multiple dwelling units of 4 or more.
- (3) Building complex of 2 or more condominium dwelling buildings of condominium dwelling units of 4 or more.

(B) The uses permitted in the R-4 District are subject to the following requirements:

(1) Maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

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

§ 171.15 RESIDENTIAL OFFICE (R-O) DISTRICT.

(A) *General.* The following regulations shall apply to all R-O Districts.

(B) *Use regulations.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than 1 or more of the following specified uses:

(1) Offices for the conduct of real estate, mortgage financing, insurance, or offices of architects, attorneys, accountant, tax consultants, engineers, or offices of other professions or businesses not involving sale or handling of merchandise on the premises.

(2) Accessory uses and structures.

(C) The uses permitted in the R-O District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §172.08, "Table of Standards for Principal Buildings on Individual Lots."

- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

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

§ 171.16 RESIDENTIAL MOBILE HOME PARK (R-MH1) DISTRICT.

(A) *Purpose of District.* The R-MH1 District is intended for those locations where there is need to regulate and control the design, use, and intensity of use of mobile homes in mobile home parks so that the design and arrangement of mobile homes will be compatible with surrounding areas and traffic circulation and access controlled for the safety, convenience, and general welfare of contiguous and nearby development.

(B) *Use regulations.* No development shall be located, altered or used, or land or water used, in whole or in part for other than 1 or more of the following specified permitted uses:

(1) One-family mobile unit.

(2) One-family compact or expandable mobile home unit.

(3) Uses accessory to any of the above uses or other uses or enterprises similar to the above, which, in the judgment of the Planning Commission are similar to and not more objectionable to the general welfare, than the uses listed.

(C) *Limitations of uses.* The area of a District planned for a mobile home park shall be at least 10 acres of net development area; however, such area may be platted and/or developed in 2 or more stages, provided that said stages conform in all respects with the over-all mobile home park design. Net development area shall be determined by subtracting from the gross development area the total areas for parks, schools, streets, rights-of-way and other related uses.

(D) No mobile home shall be located or altered, or land or water used, nor shall any improvement permit be issued therefor, unless and until the R-MH1 District and necessary mobile home park plan is officially approved by the Plan Commission and adopted by the Town Council.

(E) All mobile homes shall be located and maintained in full conformity with the mobile home park plan as approved for each R-MH1 District. The proposed mobile home park plan shall show the use(s), the dimensions, locations and area of all use(s), streets, walkways, parks, school sites and other open spaces. The proposed mobile home park plan shall be prepared by and have the seal of a land surveyor duly registered to practice in the State of Indiana.

(F) In recommending upon and approving mobile home parks, the Plan Commission shall consider the location, size height, spacing extent of use of any mobile home and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and the relationship to adjacent property. The Plan Commission shall not recommend nor the Town Council adopt such mobile home park plan unless it finds that such plan conforms to all applicable provisions of this title, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous and nearby residential property.

(G) There shall be required the recording of a final plat in such instances where other provisions of this title or other laws or ordinance require such recording.

(H) The owner of a mobile home park shall be responsible for illegal structures built within the mobile home park.

(I) The owner shall be required to record with such mobile home park plan a covenant that the owner will maintain the streets, sidewalks, water, and sewer lines in compliance with the minimum standards as established by the Town Council, and that should he or she fail to maintain the standards in any of these respects, the Town Council, may after 10 days' notice to such owner, effect all the necessary repairs or improvements as required to maintain the minimum standards and the cost of all the necessary repairs or improvement shall become a lien against the real estate and enforced and recorded against the real estate, and the covenant shall contain the following provision:

“that _____, being the owner or owners of the real estate contained in the above attached mobile home park plan hereby consent that if they or their assignees, heirs or those holding or owning said land through said owners fail to maintain the streets, sidewalks, water and sewer lines according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water and sewer lines as established by the Town Council of the Town of Chandler, Indiana, and that after ten (10) days' notice in writing to the owner of said land as shown upon the tax records in the Clerk Treasurer's office of the Town of Chandler and at the address therein shown, then said owner, assignees, heirs and those holding or owning through said owners hereby authorize the said Town Council of the Town of Chandler, Indiana, to make all necessary repairs and perform said necessary maintenance and further authorize said Town Council to file a lien against said real estate and enforce said lien pursuant to laws then applicable.”

(J) *Area.* See § 171.08, “Table of Standards for Principal Buildings on Individual Lots.” Every lot upon which a mobile home unit is located within a R-MH1 District shall front onto a 35-foot street or right-of-way and shall conform to the minimum lot area and width requirements.

(K) *Yards.* All yards shall be subject to the table in §171.08 and the following provisions:

(1) Every lot shall have a rear yard of not less than 15 feet in depth; provided that no less than 25-foot yard shall be

provided as to all portions of the perimeter of the mobile home park contiguous to a Residential District, except that the yard requirement herein shall be reduced by 1/2 the width of any alley adjacent thereto.

(2) All lots adjacent to public streets on the outside of the park or subdivision to be designated so front yard faces the streets. Where the boundary of a mobile home park directly abuts a Residential District, a fence, wall or hedge shall be provided along such property boundary.

(L) The uses permitted in the R-MH1 District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

(2) Additional area regulations (§ 172.01).

(3) Additional yard requirements (§ 172.02).

(4) Additional height requirements (§ 172.03).

(5) Minimum floor area schedule as shown in §172.04.

(6) Fence restrictions as provided in §172.05.

(7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

(M) *Abandonment and expiration.* Upon the abandonment of a mobile home park or if upon the expiration of 5 years from the zoning change so enacted, the mobile home park has not been substantially completed, the land involved in the plan shall revert to its former zoning district classification. The Plan Commission, upon application and public notice as required by law, may grant one extension of 2 years upon an application being filed with the Plan Commission. The Plan Commission's decision shall be final on the question of substantial completion. In the event of reversion to former zoning as provided herein, the land and structures thereon shall be subject to all regulations and limitations of the zoning district then applicable.

(N) *Other limitations.* All mobile homes and mobile home parks are subject to the requirements set forth in I.C. 16-41-27-1 *et seq.* and to the standards promulgated by the Indiana Department of Health.

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

§ 171.17 RESIDENTIAL MOBILE HOME SUBDIVISION (R-MH2) DISTRICT.

(A) *Purpose of District.* The R-MH2 District is intended for those locations where there is need to regulate and control the design, use and intensity of use of mobile homes in mobile home subdivisions so that the design and arrangement of mobile homes will be compatible with surrounding areas and traffic circulation and access controlled for the safety, convenience, and general welfare of contiguous and nearby development.

(B) *Use regulations.* No development shall be located, altered or used, or land or water used, in whole or in part for other than 1 or more of the following specified permitted uses:

(1) One-family mobile unit.

(2) One-family compact or expandable mobile home unit.

(3) Uses accessory to any of the above uses or other uses or enterprises similar to the above, which, in the judgment of the Commission are similar to and not more objectionable to the general welfare, than the uses listed.

(C) *Limitation of uses.* The area of a District planned for a mobile home subdivision shall be at least 10 acres of net development area; however, such area may be platted and/or developed in 2 or more stages, provided that said stages conform in all respects with the overall mobile home subdivision design. Net development area shall be determined by subtracting from the gross development area the total areas for parks, schools, streets, rights-of-way and other related uses.

(D) No mobile home shall be located or altered, or land or water used, nor shall any improvement permit be issued therefor, unless and until the R-MH2 District and necessary mobile home subdivision plan is officially approved by the Plan Commission and adopted by the Town Council.

(E) All mobile homes shall be located and maintained in full conformity with the mobile home subdivision plan as approved for each R-MH2 District.

(F) The proposed mobile home subdivision plan shall show the use(s), the dimensions, locations and area of all use(s), streets, walkways, parks, school sites, and other open spaces. The proposed mobile home subdivision plan shall be prepared by and have the seal of a land surveyor duly registered to practice in the State of Indiana. In recommending upon and approving mobile home subdivisions, the Plan Commission shall consider the location, size height, spacing extent of use of any mobile home and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and the relationship to adjacent property. The Plan Commission shall not recommend nor the Town Council adopt such mobile home subdivision plan unless it finds that such plan conforms to all applicable provisions of this title, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous and nearby residential property. There shall be required the recording of a final plat in such

instances where other provisions of this title or other laws or ordinance require such recording. Except as set forth herein, the Subdivision Control Ordinance (Chapter 153) will be the guide for development of a mobile home subdivision, including but not limited to, dedication of streets and utilities, maintenance of streets, sidewalks, water and sewer lines.

(G) *Area*. See § 171.08, "Table of Standards for Principal Buildings on Individual Lots." Every lot upon which a mobile home unit is located within an R-MH2 District shall front onto a 35-foot street or right-of-way and shall conform to the following minimum lot area and width requirements.

(H) *Yards*. All yards shall be subject to the table in §171.08 and the following provisions:

(1) *Rear yard*. Every lot shall comply with the table in §171.08; provided that no less than 25-foot yard shall be provided as to all portions of the perimeter of the mobile home subdivision contiguous to a Residential District, except that the yard requirement herein shall be reduced by 1/2 the width of any alley adjacent thereto, and, provided further that a greater yard may be required where the Plan Commission deems it necessary. All lots adjacent to public streets on the outside of the subdivision to be designated so front yard faces the streets. Where the boundary of a mobile home subdivision directly abuts a Residential District, a fence, wall or hedge shall be provided along such property boundary.

(I) The uses permitted in the R-MH2 District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §172.08, "Table of Standards for Principal Buildings on Individual Lots."

(2) Additional area regulations (§ 172.01).

(3) Additional yard requirements (§ 172.02).

(4) Additional height requirements (§ 172.03).

(5) Minimum floor area schedule as shown in §172.04.

(6) Fence restrictions as provided in §172.05.

(7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

(J) *Abandonment and expiration*. Upon the abandonment of a mobile home subdivision or if upon the expiration of 5 years from the zoning change so enacted, the mobile home subdivision has not been substantially completed, the land involved in the plan shall revert to its former zoning district classification. The Plan Commission, upon application and public notice as required by law, may grant 1 extension of 2 years upon an application being filed with the Plan Commission. The Plan Commission's decision shall be final on the question of substantial completion. In the event of reversion to former zoning as provided herein, the land and structures thereon shall be subject to all regulations and limitations of the zoning district then applicable.

(K) *Other limitations*. All mobile homes and mobile home subdivisions are subject to the requirements set forth in I.C. 16-41-27-1 *et seq.* and to the standards promulgated by the Indiana Department of Health.

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

§ 171.18 NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT.

(A) *General*. The following regulations shall apply in all C-1 Districts.

(B) *Use regulations*. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than 1 or more of the following specified uses in accordance with the limitations hereinafter specified:

(1) Apartment building(s).

(2) The following kinds of retail stores: book and stationary; confectionery or ice cream; drugs; newsstand or sundry; florists; fruit or vegetable; liquor package; meat market or delicatessen; music; film exchange and photographic supplies; shoes; clothing; china and crockery; variety.

(3) Art supplies.

(4) Bakery goods shop.

(5) Banks and finance offices.

(6) Personal service shops such as barber shops, beauty parlors, and shoe polishing stands.

(7) Dry cleaning agencies or pressing establishments.

(8) Clubs or lodges, fraternal or religious associations.

(9) Custom dressmaking or millinery shops.

(10) Laundry agencies.

- (11) Leather goods.
- (12) Convalescent homes and nursing homes.
- (13) Mortuary, undertaker or embalming establishment and funeral homes.
- (14) Offices — professional or business.
- (15) Optical stores.
- (16) Photographers.
- (17) Radio, television and phonograph sales.
- (18) Restaurants, tea rooms or cafes (excluding dancing or entertainment).
- (19) Shoe repair shop.
- (20) Sporting goods.
- (21) Tailor shops.
- (22) Parking lots and parking garages.
- (23) Watch and jewelry repair.
- (24) Furniture store.
- (25) Office furniture and equipment
- (26) Interior decorating.
- (27) Automobile service station.
- (28) Broadcasting stations (excluding transmitter or tower).
- (29) Ticket agency.
- (30) Telephone exchange and telegraph office.

(31) Other uses: Other uses or enterprises similar to the above, which, in the judgment of the Plan Commission are similar to and not more objectionable to the general welfare than the uses listed. Other uses so determined shall be regarded as listed uses. In no instance, however, shall the Plan Commission determine, nor the regulations be so interpreted, that the uses shall be permitted in a District when such use is specifically listed as first permissible in a less restricted district.

(C) *Limitations on uses.* All activities, including sales, display, preparation, and storage, shall be conducted entirely within a completely enclosed building.

(D) The uses permitted in the C-1 District are subject to the following requirements:

- (1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."
- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

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

§ 171.19 PLANNED SHOPPING CENTER (C-2) DISTRICT.

(A) *General.* The following regulations shall apply in all C-2 Districts.

(B) *Purpose of District.* The C-2 Planned Shopping Center District is intended for locations where there is a need for controlling the design and arrangement of buildings and structures, access and circulation, and the relations to surrounding areas to provide for efficient functioning of the shopping area and to ensure adequate protection to adjacent and nearby residential areas. These objectives can only be attained by review and specific approval of the site plans by the Planning Commission for each development in such Planned Shopping Center Districts.

(C) *Use regulations.* Acceptable uses in C-2 Districts include:

- (1) Department store.
- (2) Discount house.
- (3) Supermarket.
- (4) Sale of flowers and plants.
- (5) Laundromat.
- (6) Automobile service stations.

(D) *Limitations of uses.* Except for automobile parking lots and automobile service stations, all storage shall be conducted entirely within a completely enclosed structure.

(E) Any building, structure and/or use shall be erected, altered, installed, and maintained in full conformity with the provisions of this title and with development plans which have been approved by the APC.

(F) In passing upon and approving development plans, the APC shall consider the location, size, height, spacing, appearance, character and use of any building, structure or use and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces, and the relationship to adjacent property. The APC shall not approve such development plan unless it finds that such plan conforms to all applicable provisions of this title, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous and nearby residential property. The Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements which are found necessary in its judgment to effectuate the purpose of this section and to carry out the spirit and purpose of this title.

(G) A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:

- (1) Site plan with grades or contours;
- (2) Elevations and floor plans of all buildings and structures;
- (3) Location and character of all outside facilities for waste disposal;
- (4) All curb cuts, driveways, parking areas, and surfacing materials of same;
- (5) All pedestrian walks, malls, yards and open areas;
- (6) Location, height and material of all walls, fences and screen planting;
- (7) Location, size, character, height and orientation of all signs; and
- (8) Off street parking in the ratio of 4 square feet of parking area to 1 square foot of retail sales space.

(H) Roadways shall be designated on the development plan as a dedicated public road or the developer must provide proper demonstration to the APC that access for each building site and or structure is provided. This demonstration can be in the form of a written agreement or an easement.

(I) The uses permitted in the C-2 District are subject to the following requirements:

- (1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."
- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

(J) *Yards.* There shall be a minimum 5-foot front, side, and rear yard required except where a lot in a C-2 District abuts upon a lot in any R (Residential) District, a yard at least 10 feet in width shall be provided on the side adjacent to the R District.

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

§ 171.20 HIGHWAY COMMERCIAL (C-3) DISTRICT.

(A) *Purpose of District.* The following regulations shall apply in all C-3 Districts. The C-3 Highway Commercial District is intended to provide for retail commercial, amusement, and transient residential uses which are appropriate to highway

location.

(B) *Use regulations.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than 1 of the following specific permitted uses in accordance with the limitations hereinafter specified:

- (1) Apartment building(s).
- (2) Automobile washing establishment; automobile, truck and trailer rentals; new and used automobile, trucks, motorcycle and trailer sales; repair and service garages.
- (3) Automobile seat cover installations.
- (4) Ambulance service.
- (5) Amusement enterprises, including boxing or sports arena, bowling alley, golf driving range, pony riding (without stables) skating rink.
- (6) Agricultural implement sales (new and used).
- (7) Awning sales.
- (8) Boat sales, service and rentals (including sale of boat motors and accessories).
- (9) Drive-in business, including theaters, refreshment stands, restaurants, barbecue stands, and dairy products.
- (10) Electrical repair shops, home appliance repairs.
- (11) Electrical and plumbing fixtures.
- (12) Feed stores.
- (13) Hotel, motel and motor hotel.
- (14) Laundries and dry cleaning establishments, including coin-operated laundries, provided that:
 - (a) A laundry shall not exceed, for all washing units combined, a total rated capacity of 200 pounds; and
 - (b) A dry cleaning establishment shall not use more than 2 clothes cleaning units which shall have a rated capacity of not more than 40 pounds per unit; nor use cleaning fluid which is explosive or inflammable at temperatures below 138.5 degrees Fahrenheit.
- (15) Greenhouse, nursery.
- (16) Grocery store or food market.
- (17) Monuments (sale, preparation and display only).
- (18) Pawn shop.
- (19) Pest control agency.
- (20) Parking lots and parking garage.
- (21) Plant and scrub nursery.
- (22) Photographic development laboratory.
- (23) Race track — horse or dog.
- (24) Research and testing laboratory.
- (25) Second hand stores.
- (26) Sharpening and grinding shop.
- (27) Taxidermist.
- (28) Theatrical studios.
- (29) Tire and battery stores.
- (30) Trade associations and union halls.
- (31) Wholesale merchandise broker.
- (32) Veterinary and veterinary clinics.
- (33) Accessory uses and structures.
- (34) Antique store or mall.

(35) The following uses if approved as conditional uses:

- (a) Circus or transient amusement;
- (b) Freight or truck yard or terminal;
- (c) Farm and contractor's equipment storage yard or plant or rental of equipment;
- (d) Building material sales yard, including the sale of lumber, rock, sand and gravel but excluding concrete mixing;
- (e) Dance halls;
- (f) Night clubs, bars, saloons, taverns;
- (g) Public utilities, including electric distribution substations and the like;
- (h) Dairy supplies;
- (i) Machinery;
- (j) Industrial equipment;
- (k) Produce;
- (l) Restaurant and hotel supplies and equipment;
- (m) Swimming pool supplies and equipment;
- (n) Welding supplies and equipment;
- (o) Accessory uses and structures.

(36) Other uses or enterprises similar to the above, which in the judgment of the APC are similar to and not more objectionable to the general welfare than the uses listed. Other uses so determined shall be regarded as "listed uses." In no instance, however, shall the APC determine, nor the regulations be so interpreted, that a use shall be permitted in a District when such use is specifically listed as first permissible in a less restricted district.

(C) *Limitations on uses.* Except for open air sales of new or used automobiles, trailers, or trucks; amusement enterprises; drive-in businesses; race tracks; parking lots and parking garages; boat sales and rentals; all activities, including sale, display, and preparation, shall be conducted entirely within a completely enclosed building except as may be specified hereafter:

(1) Any of the stores, shops or commercial establishments may be operated as a retail and/or wholesale establishment.

(2) Open storage of materials and equipment shall be permitted only when in conjunction to the use of an office, store, or other commercial building that is, located on the front portion of the same lot, and provided that:

(a) Such storage is located on the rear 1/2 of the lot.

(b) The storage area is completely enclosed by a solid wall or fence (with necessary openings) not less than 6 feet in height.

(c) No equipment or material is stored having a height greater than that of the wall or fence enclosing the storage area.

(3) Storage of merchandise and/or materials shall be permitted within the rear portion of a building when in conjunction with the operation of an office, store, or other commercial use, located within the front portion of the same building, and provided that the office, store or commercial use occupies a minimum of 25% of the total floor area of the building or structure.

(4) Open air sales of new or used automobiles, trailers, or trucks, located on land adjacent (either abutting or separated by an alley) to an R (Residential) District, shall be separated from the land in the R District by a solid wall or fence at least 6 feet in height.

(D) The uses permitted in the C-3 District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

(2) Additional area regulations (§ 172.01).

(3) Additional yard requirements (§ 172.02.)

(4) Additional height requirements (§ 172.03).

(5) Minimum floor area schedule as shown in §172.04.

(6) Fence restrictions as provided in §172.05.

(7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

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

§ 171.21 GENERAL COMMERCIAL (C-4) DISTRICT.

(A) *General.* The following regulations shall apply in all C4 Districts.

(B) *Use regulations.* No building or structure or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than 1 or more of the following specified uses in accordance with the limitations hereafter specified:

- (1) Apartment building(s).
- (2) Automobile washing establishment; automobile, truck and trailer rentals; new and used automobile truck, motorcycle, and trailer sales, repair and service garages.
- (3) Automobile seat cover installation.
- (4) Ambulance service.
- (5) Amusement enterprises including boxing or sports arena, bowling alley, skating rink.
- (6) Armory.
- (7) Auditorium.
- (8) Awning sales.
- (9) Bars, saloons, taverns.
- (10) Bicycle sales and repairs.
- (11) Boat sales, service and rentals (including sale of boat motors and accessories).
- (12) Blue printing and photostating, job printing publishing.
- (13) Business college, private school and trade school operated as a commercial enterprise.
- (14) Department store.
- (15) Electrical repair shops, home appliance repairs.
- (16) Electrical and plumbing fixtures.
- (17) Employment office.
- (18) Feed stores.
- (19) Hotels, motels and motor hotels.
- (20) Laundries and dry cleaning establishments, including coin-operated laundries, provided that:
 - (a) A laundry shall not exceed for all washing units combined, a total rated capacity of 200 pounds;
 - (b) A dry cleaning establishment shall not use more than 2 clothes cleaning units which shall have a rated capacity of not more than 40 pounds per unit; nor use cleaning fluid which is explosive or inflammable at temperatures below 38.5 degrees Fahrenheit.
- (21) Letter servicing and mimeographing.
- (22) Lithographing or engraving establishments.
- (23) Music conservatory.
- (24) Motor bus terminals.
- (25) Night clubs.
- (26) Pawn shop.
- (27) Pest control agency.
- (28) Parking lots and parking garage.
- (29) Pool and billiard room.
- (30) Photographic development laboratory.
- (31) Research and testing laboratory.
- (32) Second-hand stores.

- (33) Supermarket, discount house.
- (34) Sharpening and grinding shop.
- (35) Sheet metal-fabricating shop.
- (36) Theatrical studios and theaters.
- (37) Tire and battery stores.
- (38) Taxidermist.
- (39) Trade associations and union halls.
- (40) Veterinary and veterinary clinics.
- (41) Wholesale merchandise broker.
- (42) Antique store or mall.
- (43) The following uses if approved as a conditional use:

(a) Sale and display of the following:

- 1. Agricultural implements.
- 2. Building supplies.
- 3. Construction equipment.
- 4. Dairy supplies.
- 5. Machinery.
- 6. Industrial equipment.
- 7. Produce.
- 8. Restaurant and hotel supplies and equipment.
- 9. Swimming pool supplies and equipment.
- 10. Welding supplies and equipment.
- 11. Flowers, plants and shrubs.

(b) Uses to be conducted wholly within a completely enclosed structure or within an area enclosed on all sides with a solid, opaque barrier (i.e., wall, fence, and the like), with necessary openings, not less than 6 feet in height.

1. Building material and yard sales, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but excluding concrete batch plants.

- 2. Power-driven excavating, or road building equipment, commonly used by contractors.
- 3. Lumber yards.
- 4. Building contractor's shop.
- 5. Freight, or truck yard or terminal.

(c) The following service establishments:

- 1. Battery charging and repair.
- 2. Bookbinding.
- 3. Distribution service.
- 4. Diaper service.
- 5. Janitorial services.
- 6. Linen supply.
- 7. Milk distributing station but not involving any bottling on the premises.
- 8. Tinsmith.

(d) The following repair shop uses:

- 1. Awning and canvas shop.
- 2. Cabinet and carpenter shop.

3. Electrical contractor shop.
4. Furniture repair shop.
5. Glass shop.
6. Heating contractor shop.
7. Plumbing shop.
8. Restaurant and store fixture shop.
9. Sign shop.
10. Upholstering shop.
11. Welding shop.

(e) Wholesale, warehouse and storage uses.

(44) Accessory uses and structures.

(45) Other uses: Other uses or enterprises similar to the above which in the judgment of the commission are similar to and not more objectionable to the general welfare than the uses listed. Other uses so determined, shall be regarded as "listed uses." In no instance, however, shall the APC determine, nor the regulations be so interpreted, that a use shall be permitted in the District when such use is specifically listed as first permissible in a less restricted district.

(C) *Limitations on uses.*

(1) Any use conforming with the standard for an M-1 Industrial District provided that not more than 10% of the rentable floor area of any floor of a building is devoted to such use. In determining the floor area so used, it shall be the entire rentable floor area occupied by concerns engaged in such production activities exclusive of that used for office, display, waiting rooms or clerical work.

(2) Except for open air sales of new or used automobiles, trailers, or trucks; amusement enterprises; parking lots and parking garages; boat sales and rentals, all activities, including sale, display, and preparation, shall be conducted entirely within a completely enclosed building except as may be specified hereafter.

(3) Any of the stores, shops or commercial establishments may be operated as a retail and/or wholesale establishment.

(4) Open storage of materials and equipment shall be permitted only when in conjunction with the use of an office, store or other commercial building, located on the same lot and provided that:

(a) The storage area is completely enclosed by a solid, opaque barrier (i.e., wall, fence, and the like), with necessary openings, not less than 6 feet in height; and

(b) No equipment or material is to be stored having a height greater than that of the wall enclosing the storage area.

(5) Storage of merchandise and/or materials shall be permitted within the rear portion of a building when in conjunction with the operation of an office, store, or other commercial use, located within the front portion of the same building, and provided that the office, store, or commercial use occupies a minimum of 25% of the total floor area of the building or structure.

(6) Open air sales of new or used automobiles, trailers, or trucks, located on land adjacent (either abutting or separated by an alley) to an R (Residential) District, shall be separated from the land in the R District by a solid, opaque barrier (i.e., wall, fence, and the like), with necessary openings, at least 6 feet in height.

(D) The uses permitted in the C-4 District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

(2) Additional area regulations (§ 172.01).

(3) Additional yard requirements (§ 172.02).

(4) Additional height requirements (§ 172.03).

(5) Minimum floor area schedule as shown in §172.04.

(6) Fence restrictions as provided in §172.05.

(7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

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

§ 171.22 LIGHT INDUSTRIAL (M-1) DISTRICT.

(A) *General.* The following regulations shall apply in all M-1 Districts.

(B) *Use regulations.* No building or structure or part of an M-1 District shall be erected, altered, or used, or land or water used in whole or in part for other than the manufacture, processing, compounding, assembling, treatment, or use of the following:

- (1) Awnings, metal.
- (2) Beverage (non-alcoholic) manufacture and blending.
- (3) Blacksmith.
- (4) Broom and brush.
- (5) Buttons except button blanks from shell.
- (6) Carbon paper and ink ribbons.
- (7) Carpentry products, cabinet making and pattern shops.
- (8) Chemicals (packaging only).
- (9) Clay products of handicraft nature, including ceramics, pottery, tile (glazed), or similar products.
- (10) Cleaning and dyeing of garments, hats and rugs.
- (11) Clocks and watches.
- (12) Cloth products, including canvas, clothing garments.
- (13) Cosmetics or toiletries.
- (14) Electrical appliance and apparatus assembly (small) including fans, fixtures, hot plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery.
- (15) Electrical supplies, including cable or wire assemblies, batteries (dry cell), insulation, lamps, switches, or similar supplies.
- (16) Flowers, artificial.
- (17) Food processing, including creamery and dairy bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), ice cream manufacture, macaroni and noodle manufacture, oleo/margarine (compounding and packaging only).
- (18) Fur finishing and fur goods, not including tanning or dyeing.
- (19) Grain elevator and grain storage.
- (20) Glass products from previously manufactured glass.
- (21) Greenhouses, wholesale.
- (22) Hair, felt, or feather products.
- (23) Hat finishing and millinery from straw and other fibers.
- (24) Ink or ink ribbon, packaging.
- (25) Jewelry.
- (26) Laboratories, research experimental or testing but not including combustion type motor testing.
- (27) Leather products (no tanning operation), including shoes, machine belting, or similar products.
- (28) Luggage.
- (29) Machine shops.
- (30) Machines, business, including accounting machines, calculators, card-counting equipment, typewriters, or similar products.
- (31) Medical appliances, including braces, limbs, stretchers, supports, or similar products.
- (32) Motion picture products.
- (33) Musical instruments (including pianos and organs).
- (34) Novelty products (from prepared materials).
- (35) Optical equipment.

(36) Paper products, including bags, boxes, bulk goods, containers (shipping) envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products.

(37) Pharmaceutical products.

(38) Photographic equipment.

(39) Precision instruments.

(40) Printing, publishing, engraving, including photo-engraving.

(41) Scenery construction.

(42) Signs and displays.

(43) Soaps or detergents, including washing or cleaning powder or soda, packaging only.

(44) Statuary and art goods, other than stone and concrete including church art, figurines, mannequins, religious art (excluding foundry operations).

(45) Stamps (hand), stencils, and brands.

(46) Toys and games.

(47) Trade and business schools.

(48) Umbrellas and parasols.

(49) Upholstery and furniture shops, wholesale.

(50) Vehicles, children's including baby carriages, bicycles, scooters, wagons, or similar vehicles.

(51) Window shades, venetian blinds, awnings, tarpaulin, and canvas specialties.

(52) Wood products including furniture, baskets, boxes, crates, or similar products, and cooperage works.

(53) Accessory uses and structures.

(54) Other uses not prohibited by law, not specifically permitted by this title and which are found to be similar in character to a use specifically permitted.

(55) The processing and marketing of any recycled or composted product if excluded under the M-3 Solid Waste Disposal Facility District, provided no permit for the operation is required from the Indiana Department of Environmental Management and written verification it is submitted by the land owner to the Advisory Plan Commission of the same prior to the start of the operation.

(C) The uses permitted in the M-1 District are subject to the following requirements:

(1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."

(2) Additional area regulations (§ 172.01).

(3) Additional yard requirements (§ 172.02).

(4) Additional height requirements (§ 172.03).

(5) Minimum floor area schedule as shown in §172.04.

(6) Fence restrictions as provided in §172.05.

(7) Parking restrictions as provided in §172.06.

(8) Restrictions on signs as provided in Chapter 174.

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

§ 171.23 GENERAL INDUSTRIAL (M-2) DISTRICT.

(A) *Principal permitted uses.* The following regulations shall apply in all M-2 Districts. No building or structure or part thereof shall be erected, altered or used, or land or water used, in full or in part, for other than the uses permitted in an M-2 District or the manufacture, processing, compounding, assembling, treatment, or use of the following:

(1) Air conditioners.

(2) Aircraft and aircraft parts.

(3) Aluminum, extrusion, rolling, fabrication, molding, and casting.

(4) Aluminum powder and paint.

(5) Apparel or other textile products from textiles or other materials, including had bodies of fur, wool, felt or similar products.

(6) Assembly of automobile, carriage, engine (rebuilt), motorcycle, trailer, truck, wagon, including parts.

(7) Asphalt and bituminous materials.

(8) Athletic or sports equipment.

(9) Baskets and hampers (wood, reed, rattan, and the like).

(10) Battery, storage (wet cell).

(11) Bedding materials (mattress, pillow, quilt), including rebuilding or renovating.

(12) Boat manufacture of vessels less than 5 tons, and boat building or repair of boats, less than 100 feet in length.

(13) Boilers.

(14) Boxes and crates.

(15) Brick, firebrick, tile, clay products, including refectories.

(16) Building materials (cement, lime sand, gravel, lumber and the like).

(17) Carpets, rugs mats.

(18) Cider and vinegar.

(19) Stone products.

(20) Coal and coke, storage and sales.

(21) Concrete products including central mixing and proportioning plants.

(22) Cooperage works (cooperage stock mill).

(23) Distilleries (alcoholic), breweries and alcoholic spirits (non-industrial).

(24) Electric power and steam generating plants.

(25) Exposition building or center.

(26) Firearms, fireworks.

(27) Food processing, including chewing gum; chocolate, cocoa and cocoa products; condensed and evaporated milk, processing and canning; flour, feed, grain, food products including slaughtering of meat or preparation of fish for packing; fruit and vegetable processing including canning, preserving, drying, and freezing; gelatin products; glucose and dextrin; malt products; meat products, packing and processing yeast.

(28) Foundry products.

(29) Furniture.

(30) Glass and glass products, including structural or plate glass or similar products.

(31) Grain blending, packaging and milling.

(32) Hardware products or tools, including bolts, brads, cutlery, door knobs, drills, hinges, household items, locks metal casting (non-ferrous), nails, needles and pins, nuts plumbing appliances, rivets, screws, spikes, staples, tools (hand), or similar products.

(33) Hair, felt, feathers, shoddy, bulk processing, washing, curling, dyeing.

(34) Heating, ventilating, cooking, and refrigerating supplies and appliances.

(35) Hosiery.

(36) Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers, and similar products.

(37) Ice, dry or natural.

(38) Implements, agricultural.

(39) Ink.

(40) Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds.

(41) Iron or steel (ornamental), miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning, grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes.

- (42) Jute, hemp, sisal or oakum products.
- (43) Lead oxide.
- (44) Linoleum and other hard surfaced floor covering (except wood), oil cloth, oil treated products or artificial leather.
- (45) Livery stable and riding academy.
- (46) Lumber sawmill.
- (47) Machine tools including metal lathes, metal presses, metal-stamping machines, wood-working machines or the like.
- (48) Machinery, heavy including electrical, construction, mining or agricultural.
- (49) Metal and metal ores, reduction, refining, melting alloying, including blast furnaces, cupolas and blooming mills.
- (50) Metal alloys or foil, miscellaneous including solder, pewter, brasses, bronzes or tin, lead, gold foils or similar products.
- (51) Metal casting or foundry products, heavy, including ornamental iron work or similar products.
- (52) Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing and (hot dip) plating.
- (53) Mill work and planning.
- (54) Molasses.
- (55) Minerals and earths (including sand-lime products), grinding, crushing, processing.
- (56) Monument and architectural stone, monument works.
- (57) Motor testing (internal combustion motors).
- (58) Motion picture equipment, commercial.
- (59) Paint, lacquer, shellac and varnish, including calcimine, casein, colors and pigment, thinners and removers.
- (60) Paper, paper board and pulp.
- (61) Petroleum or petroleum products, refining, including gasoline or other petroleum products.
- (62) Petroleum tank farm, commercial bulk storage of petroleum products.
- (63) Pottery and porcelain products.
- (64) Pencils.
- (65) Perfumes or perfumed soaps, compounding only.
- (66) Plastic products/plastic molding, including tableware, phonograph records, and similar products.
- (67) Plastic extrusion.
- (68) Plating, electrolytic process.
- (69) Plumbing supplies.
- (70) Pulp goods, pressed or molded (including paper products).
- (71) Railroads, freight terminals, repair shops, yards or appurtenances, or facilities or services used or required in railroad operations.
- (72) Roofing material, building paper and felt.
- (73) Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing), such as washers, gloves, footwear, bathing caps, atomizers, or similar products.
- (74) Safes and vaults.
- (75) Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, razor blades, bottle caps, buttons, kitchen utensils or similar products.
- (76) Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication and structural products, including bars cable, girders, rails, wire rope or similar products.
- (77) Slaughtering of animals and poultry.
- (78) Stock yards and feed lots.
- (79) Silverware, plate or sterling.

- (80) Shipping containers (corrugated board, fiber or wirebound).
- (81) Storage yard and contractor's shop.
- (82) Sugar refining.
- (83) Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods yarns, knit goods.
- (84) Tire retreading and vulcanizing shop.
- (85) Tobacco (including curing) or tobacco products.
- (86) Training schools (industrial vocational) including internal combustion engine schools.
- (87) Truck or transfer terminal, freight and motor freight stations.
- (88) Vitreous enamel products.
- (89) Waterfront shipping.
- (90) Chemical manufacturing.
- (91) Wholesale markets (goods not contained in totally enclosed building).
- (92) Wood products.
- (93) Accessory uses and structures.
- (94) Other uses not prohibited by law not specifically permitted by this title and which are found to be similar in character to a use specifically permitted.

(B) Solid waste shall not be considered permitted uses as defined under the terms of this title. See Solid Waste Disposal Facility and Salvage Yards (M-3) District.

(C) The uses permitted in the M-2 District are subject to the following requirements:

- (1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."
- (2) Additional area regulations (§ 172.01).
- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

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

§ 171.24 SOLID WASTE DISPOSAL FACILITY AND SALVAGE YARDS (M-3) DISTRICT.

(A) *Use regulations.* The following use regulations in an M-3 District shall be subject to all local, state, and federal regulations and any required permit pertaining to the operation of the facility. Copies of permits must be furnished to the Area Advisory Plan Commission office to be filed with the approved development plan prior to start of operation. No building or structure or part thereof shall be erected, altered, or used, or land or water used, in whole or in part, for other than 1 or more of the following specified uses:

- (1) Solid waste disposal facilities.
- (2) Junk, salvage yard, provided the entire operation is enclosed within a solid fence at least 8 feet high.
- (3) Hazardous waste disposal facilities, if approved as a conditional use.
- (4) Accessory uses and structures.
- (5) Other uses not prohibited by law not specifically permitted by this title and which are found to be similar in character to a use specifically permitted.

(B) The uses permitted in the M-3 District are subject to the following requirements:

- (1) A maximum height, minimum lot area, minimum lot width, yard requirements and lot coverage as shown in §171.08, "Table of Standards for Principal Buildings on Individual Lots."
- (2) Additional area regulations (§ 172.01).

- (3) Additional yard requirements (§ 172.02).
- (4) Additional height requirements (§ 172.03).
- (5) Minimum floor area schedule as shown in §172.04.
- (6) Fence restrictions as provided in §172.05.
- (7) Parking restrictions as provided in §172.06.
- (8) Restrictions on signs as provided in Chapter 174.

(C) *Definitions.*

COLLECTION. The process of picking up wastes — at homes, businesses, and other locations — loading them into an enclosed collection vehicle, and hauling for final disposal.

COMPACTOR. Any power-driven equipment designed to reduce the volume of wastes by compressing.

COMPOST. A mixture of organic wastes aerobically decomposed to an intermediate state. **COMPOST** can be used as a soil conditioner. This definition includes the recycling of sludge from wastewater treatment plants for use as compost products as soil conditioners.

CONVERSION. The transformation of wastes into other forms, such as steam, gas, or oil. Transformation is usually accomplished by burning or pyrolysis.

FACILITY. Any assemblage of equipment used in the collection, storage, conversion, or disposal of solid waste. Usually refers to a **TRANSFER FACILITY, RECYCLING FACILITY, or ENERGY RECOVERY PLANT.**

INCINERATION. The process by which solid, liquid, or gaseous combustible wastes are burned and changed into gaseous by-products and residue (referred to as **ASH**).

PROCESSING. Any means designated to change the physical form or chemical content of solid wastes.

RECYCLING. The separation, processing, and marketing of a waste material (e.g., glass, aluminum) from the waste stream so that it can be reused.

RESOURCE RECOVERY. A concept involving the extraction of economically usable materials or energy from wastes. It may involve recycling or physical/chemical conversion to various end products.

SANITARY LANDFILL. A land area where solid wastes are disposed of under regulatory control.

SEPARATION FACILITY. A division of wastes, either manually or mechanically, into groups of similar materials, such as paper, glass, or metal. It is also used to describe the further sorting of materials into more specific categories, such as clear glass/dark glass, aluminum, copper, newspaper/cardboard/office paper.

SOLID WASTE. Any of a wide variety of solid materials, as well as some containerized liquids, which are discarded including agricultural, commercial, construction, demolition, hazardous, industrial, municipal, and residential wastes.

SOLID WASTE DISPOSAL FACILITIES. Any facility or operation involving the handling, storage, and processing of solid waste including the following:

- (a) Sanitary landfills.
- (b) Recycling facilities, excluding:
 1. Any transport vehicle or collection bin used for collection by a non-profit organization at any commercially zoned property;
 2. Curb-side collections;
 3. On-call collections; and
 4. Any processing and/or marketing of a recyclable material already separated from the general waste stream, provided no permit for the operation is required from the Indiana Department of Environmental Management and written verification is submitted by the land owner to the Advisory Plan Commission of the same prior to the start of operation. These uses shall be allowed under the M-1 Light Industrial and M-2 General Industrial Zoning Districts.
- (c) Composting facilities, excluding the packaging and marketing of the soil conditioner produced by a composting facility, provided no permit is needed from the Indiana Department of Environmental Management and written verification is submitted by the land owner to the Advisory Plan Commission of the same prior to the start of operation. These uses shall be allowed under the M-1 Light Industrial and M-2 General Industrial Zoning Districts.
- (d) Solid waste transfer station including separation and/or compaction facilities which may include collection facilities.
- (e) Incineration facilities including resource recovery and/or conversion facilities.
- (f) Sludge or by-products generated from the operation of a municipal sewage treatment plant and to be used on, or

applied to, agricultural real estate for fertilization purposes.

TRANSFER STATION. A facility where wastes are removed from small collection vehicles (e.g., compactor trucks) and loaded onto larger transport vehicles (e.g., tractor trailers) for transport to disposal areas. Compaction or separation may occur prior to loading.

(D) *Application procedure.* In addition to the standard requirements of the prescribed rezoning application adopted by the Plan Commission, the following information must also accompany the application. When a solid waste disposal facility is proposed, the rezoning petition must clearly state the type of facility and be accompanied by a detailed development plan which shall be approved by the Plan Commission and Town Council, whichever is applicable, in accordance with the following requirements:

- (1) The development plan shall be prepared by a licensed land surveyor or licensed professional engineer.
- (2) The development plan must show all proposed structures and/or open areas to be used in the operation clearly delineated.
- (3) All ingress and egress to the site must be shown.
- (4) The Planning Commission may require any other pertinent information.

(E) The specified type of facility and development plan cannot be changed from 1 designated approved use to any other listed permitted use under this title.

(F) The specific use approved must be in operation according to the approved development plan within 1 year from the zoning change so enacted and development plan approval. If upon the expiration of 1 year from the zoning change so enacted and approval of the development plan the solid waste disposal facility is not in operation, the land involved in the plan shall revert to its former zoning district classification. The Plan Commission, upon application and public notice as required by law, may grant 1 extension of one 1 year upon an application being filed with the Plan Commission. In the event of reversion to former zoning as provided herein, the land and structures thereon shall be subject to all regulations and limitations of the zoning district then applicable.

(G) If any solid waste disposal facility is approved and in operation with the operation ceasing for any reason for a period of more than 6 consecutive months, the land involved in the zoning change so enacted and development plan approved shall revert to its former zoning district classification. In the event of reversion to former zoning as provided herein, the land and structures thereon shall be subject to all regulations and limitations of the zoning district then applicable.

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