

Town of Cedar Lake, Indiana

# **Draft Zoning Ordinance**

May, 2009

1. Spell out enforcement procedures. Notice to violator, stop work orders, reinspection notice/approval and notice of compliance.
2. Review Town Ordinances 467 and 481 for truck parking regulation and update if necessary

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## TITLE I. PURPOSE AND TITLE

### Section 1.01 Title.

This Ordinance shall be known and may be cited as the "Town of Cedar Lake Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Town of Cedar Lake Zoning Ordinance.

### Section 1.02 Purpose.

The purpose of this Ordinance is to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessen or avoid congestion on public streets; promote the public health, safety, comfort, morals, convenience and general public welfare; and accomplish the purpose of the advisory planning law as set out in IC 36-7-4-600, et seq. Further, the Ordinance allows the Advisory Plan Commission to establish and recommend to the Town Council classifications and regulations to:

- A. Limit the height, area, bulk and use of structures erected;
- B. Determine the area of front, rear and side yards, courts and other open spaces about those buildings;
- C. Determine the use and intensity of use of land and lot areas;
- D. Restrict the location of trades, callings, industries, commercial enterprises, and buildings for specified uses;
- E. Classify and designate the land among agriculture, industrial, commercial, residential and other uses and purposes;
- F. Establish requirements for site conditions, signs, and non-structural improvements, such as parking lots, ponds, landscaping, and utilities;
- G. Divide its jurisdictional area into districts of such kind, character, number, shape, and area as may be considered necessary to carry out the purpose of this Chapter; and
- H. Implement certain goals and objectives of the Comprehensive Plan.

### Section 1.03 Scope.

- A. **Applicability:** Unless otherwise noted, the regulations in this Ordinance apply throughout the Town of Cedar Lake and within each district. They shall apply uniformly to each class or kind of structure, land or use.
- B. **Unlisted uses:** Any use not specifically permitted is prohibited.
- C. **Annexed Areas:** This Ordinance applies to all land and development within the corporate limits of the Town of Cedar Lake, Indiana, and any land within Townships that have entered into joinder agreements with the Town for the purposes of planning and zoning, in accordance with IC 36-7-4-1200 et seq.

- D. **Conformance:** Any building, structure or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which it is located in accordance with this Ordinance.
- E. **Alterations:** Except as otherwise permitted, after the effective date of this Ordinance, no building or other structure shall be altered to:
1. Accommodate or house a greater number of families than permitted by the Zoning District.
  2. Have narrower or smaller rear yards, front yards, or side yards, other than permitted.
  3. Reduce required parking areas, maneuvering aisles or loading areas.

#### **Section 1.04 Conflicts with Other Laws.**

- A. **Minimum Requirements:** The provisions of this Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large.
- B. **Text:** If there are found to be differences between the meaning or implication of any drawing, table, figure, title or section heading, the text of this Ordinance shall apply.
- C. **Conflict or Inconsistency:**
1. **Internal:** Unless otherwise specifically stated within this Ordinance, if two or more provisions are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
  2. **Local regulations:** Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.
  3. **Federal & State Regulations:** Whenever a provision of the Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, county or Town ordinance or regulation, the provision of this Ordinance shall apply. Whenever a provision of any State or federal code or regulation, County or Town ordinance or regulation imposes a greater restriction or a higher standard than is required by this Ordinance, the provision of the State or federal code or regulation, or other County or Town ordinance or regulation shall apply.
  4. **Private restrictions:** Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Ordinance, the Town is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements, or other similar regulations to which the Town is not a party.
  5. **State Law amendments:** Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

**Section 1.05 Vested Rights.**

It is not intended that this Ordinance abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Ordinance abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

**Section 1.06 Interpretation.**

- A. In their interpretation and application, the provisions of this Zoning Ordinance, as amended from time to time, shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.
- B. Where the conditions imposed by any provision of this Zoning Ordinance, as amended from time to time, upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Ordinance or of any other law, ordinance, resolution, rule or regulation, of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- C. This Zoning Ordinance, as amended from time to time, is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements, than such easements, covenants, or other private agreements, the requirements of this Zoning Ordinance, as amended from time to time, shall govern.
- D. No building, structure, or use which was not lawfully existing at the time of the adoption of this Zoning Ordinance shall become or be made lawful solely by reason of the adoption of this Zoning Ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this Zoning Ordinance, said building, structure, or use remains unlawful hereunder.
- E. Nothing contained in this Zoning Ordinance, as amended from time to time, shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.
- F. The provisions in this Zoning Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Zoning Ordinance.

**Section 1.07 Severability Clause.**

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this Zoning Ordinance, as amended from time to time, be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.