

## TITLE II. GENERAL PROVISIONS

### Section 2.01 General Area Provisions

- A. **Area Requirements:** Except as hereinafter provided, no building or structure shall be erected or expanded on a lot unless the building or combined existing structure plus additions conforms with the area regulations of the Zoning District in which it is located.
- B. **Minimum Lot Sizes and Widths with Respect to Sewage Disposal:** Notwithstanding any lesser minimum area and width requirements prescribed in each Zoning District, a minimum lot size of one (1) acre and a minimum lot width of one hundred twenty-five (125) feet shall be required for any lot that is not served by a public or approved private community sanitary sewer system. Evidence shall be required on all lots that sufficient area and width exists to provide safe and effective sanitary sewage disposal, and may include, but not be limited to specific recommendation from the official representative of the Lake County Board of Health having jurisdiction.
- C. **Reduction of Lot Area:** No lot area shall be reduced or diminished in such a way that the yards, required open space, or total lot area are made smaller than prescribed by this Zoning Ordinance.
- D. **Recorded Lots less than Minimum Area:** A lot of record existing at the time of enactment of this Zoning Ordinance, which has less than the minimum area required for the Zoning District, may nevertheless be used for any use permitted therein, except that for dwellings the lot must have a width of at least fifty (50) feet and an area of at least five thousand (5,000) square feet.
- E. **Yards Apply to Only one (1) Building:** No required yard or other open space around an existing building, or yards which are hereafter provided around any building for the purpose of complying with the provisions of this Zoning Ordinance, shall be considered as providing a yard or open space for any other building, nor shall any yard nor other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- F. **Front Yards on a Through Lot:** For setback purposes, both yards abutting a street on a through lot shall meet the front setback requirements of the District in which the lot is located. However, for other purposes of this Ordinance, one yard may be considered a rear yard, as determined by the Town Administrator.
- G. **Access:** All lots and parcels shall abut and have direct access to a dedicated and improved public right-of-way or approved private street easement. Both streets abutting a corner lot shall be paved, as required by the Town of Cedar Lake Subdivision Control Ordinance.
- H. **Dwellings in Prerecorded Subdivisions:** No dwelling shall be erected having a minimum ground floor area of less than eight hundred ninety-six (896) square feet (i.e. footprint) for a single story house; or one thousand one hundred (1,100) square feet minimum (i.e. living space) for a home with more than one story; provided at least seven hundred sixty-eight (768) square feet will be available on the first floor. In the event that no garage is constructed at the time of the construction of the dwelling, the property owner shall be required to provide a location for a garage, in the event a garage will be constructed in the future, on the Building Permit Application for the house.

- I. **Trash Storage:** For all uses where trash, garbage, refuse, or other debris is deposited or stored in dumpsters or commercial containers outside any principal building and/or accessory building/structure, the trash, garbage, refuse or other debris shall be stored within corrals or structures designed to screen the material from public view, in accordance with Section 8.06 B.
- J. **Hazardous Substances:** The dumping and/or disposal of toxic or other hazardous substances shall not be permitted within any Zoning District. Such substances used in conjunction with a permitted use shall be stored safely and in proper containers. The use and storage of these materials shall comply with applicable town, county, state and federal laws.

## **Section 2.02 Land Clearing and Excavations**

- A. **Land Clearing:** Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Town); or in compliance with an approved development plan in accordance with the provisions of Title VII of this Ordinance, it shall be unlawful for any person to strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which the topsoil is taken. It shall further be unlawful to cut down existing trees twelve (12) inches or more in diameter, measured four and one-half (4 ½ ) feet above the ground, on a lot or parcel of over one (1) acre, without first receiving a permit from the Town Administrator who shall consider the following:
  - 1. whether the tree is diseased; poses a risk to property, health, or safety; interferes with vital public utilities; or will be replaced by approved plantings;
  - 2. the topography of the land and the effect of the proposed tree removal upon erosion, soil retention, and the diversion or increased flow of sediment;
  - 3. the number, species, size, and location of existing trees in the area, and the effect the proposed removal would have upon shade, privacy, scenic beauty, property values, and potential impacts upon adjacent trees (i.e. increased windthrow);
  - 4. the historical significance of the tree to the community;
  - 5. the tree has caused repeated sewer/sidewalk damage and created a sewer/sidewalk problem that cannot be resolved by any other means;
  - 6. removal of the tree would benefit roadway usage, i.e. road widening, sidewalk installation, etc.
- B. **Excavations:** No soil, sand, gravel, or other earth material shall be removed from any land within the Town of Cedar Lake without Town Administrator approval, with the following exceptions:
  - 1. When the earth removal or stockpiling is incidental to an operation for which an individual building permit has been issued by the designated public official;
  - 2. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - 3. When the earth removal is for construction of a swimming pool; provided a building permit has been obtained for construction of the swimming pool.

## **Section 2.03 Sewage Disposal**

No permit shall be issued for the construction of a dwelling unless a permit has been issued by the Lake County Health Department for private water supply and sewage disposal facilities or the site is served by

both public water and sewer facilities. Developments with over four (4) dwelling units shall have commercial water and public sewer service.

#### **Section 2.04 Yard and Area**

- A. **Width-to-depth limits:** No lot shall be created with a depth exceeding four (4) times its width.
- B. **Width-to-Depth Waivers:** The Town Council, after recommendation by the Plan Commission, may permit the creation of a lot or parcel which exceeds the 1:4 lot width to depth ratio. In determining whether to grant this approval, the Council shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other ordinances and regulations, unless an appropriate variance is received from any other regulations.
- C. **Frontage, cul-de-sac:** The minimum required lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line. The body of the lot shall open immediately behind the setback, e.g., the frontage provided shall not be a flag lot. (See graphic).

#### **Section 2.05 Determination of Setbacks**

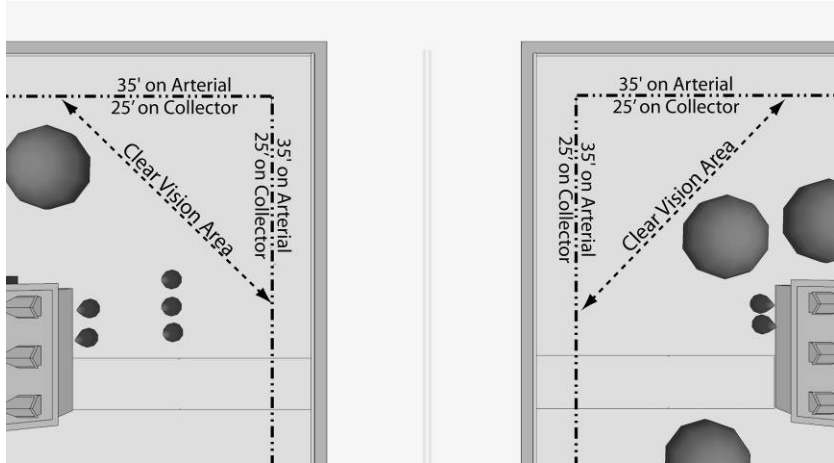
- A. **Front setbacks:** The front yard setback line shall be measured from the right-of-way or easement line of a public or private street, to the front foundation line of the building.
- B. **Modification:** See Section 2.13 A.
- C. **Waterfront lot:** Waterfront setbacks shall be from the shoreline, as determined by the plat of survey.
- D. **Side yard measurement:** Side lot setbacks shall be measured from the property line to the wall of the building.
- E. **Corner lots:** On corner and through lots, the front yard requirements shall apply on both streets and both frontages shall be considered front yards. Corner lots shall have two (2) front lot lines, a side lot line and a rear lot line.

#### **Section 2.06 Height Exceptions**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls (not extending more than four (4) feet above the roof line, skylights, mechanical penthouses television aerials, antenna, satellite dish, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, material hoppers, or similar structures may be erected above the height limits prescribed by this Ordinance, to the extent necessary to meet the structural, mechanical, fire protection or similar needs particular to the use or structure; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor spaces for residential, business or industrial use.

#### **Section 2.07 Clear Vision**

- A. **Clear Vision Area:** On arterial roads the clear vision triangle shall be a minimum of thirty five (35) feet from the edge of the roadway. On collector roads the clear vision triangle shall be a minimum of twenty five (25) feet from the edge of the roadway.



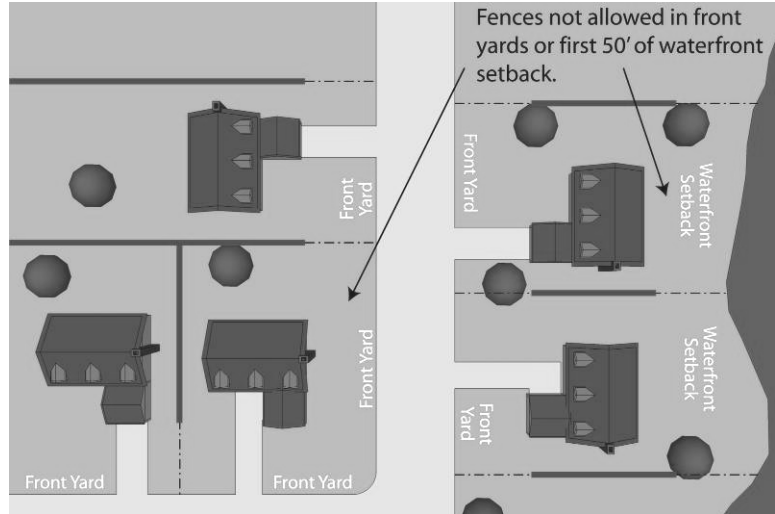
- B. **Obstructions:** No plantings, fencing, signs or other obscuring structures shall be established or maintained which will obstruct the clear vision area or the view of a vehicle driver approaching or leaving an intersection or driveway. This Section shall not prohibit the placement of shrubbery or other low level landscaping less than thirty (30) inches in height at maturity, or decorative fences or walls or directional signs less than thirty (30) inches in height.
- C. **Parking and storage:** Vehicles and materials shall not be stored or placed within clear vision areas.

## Section 2.08 Fences, walls, and hedges

- A. **Permit:** A permit shall be obtained from the Town Administrator, or designee, prior to erection of any fence or wall, unless such construction has been previously approved as part of a Development Plan for a larger project. A survey shall be provided in conjunction with a request for a fence/wall permit, if a fence or wall is to be placed on any property line.
- B. **Height:** Unless specifically provided for elsewhere in this Ordinance, no fence, wall, or hedge may exceed a height of six (6) feet within the side or rear yard of any Zoning District; provided, fences up to eight (8) feet in height may be permitted within a Business or Industrial District as a special use, in accordance with the requirements of Title IX of this Ordinance. Fences, walls, and hedges shall not be permitted within the front yard of any district.
- C. **Maintenance:** Fences and walls shall be installed with workmanlike materials and be maintained at all times in a state of good repair. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- D. **Barbed and razor wire:** No person shall place, string or maintain razor wire (unless associated with required Homeland Security measures) as part of any fence, or structure at the property lines in any zoning district. Barbed wire may be used as part of an agricultural operation or in a Commercial or Industrial District, if approved by the Town Administrator.
- E. **Finished side out:** Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.

F. **Placement:** Fences and walls may be erected on the side and rear property lines. Fences and walls shall not be located in the first fifty (50) feet of the waterfront setback or in any floodway and shall not be located within any front yard.

G. **Clear vision:** No fence or wall shall be erected within the clear vision area as required by Section 2.07, except as provided in that Section.



**Section 2.09 Accessory Buildings**

A. Accessory building located in any Agricultural or Residential District shall be regulated as follows:

1. There must be a principal residential structure on the lot or parcel prior to construction of any accessory building.
2. A building permit, issued by the Building Department of the Town of Cedar Lake, shall be required prior to construction of any accessory building or structure.
3. The floor area of the accessory building(s) shall be included in the calculation of maximum allowable ground coverage within the Zoning District.
4. Only one (1) accessory building, in excess of two hundred (200) square feet, shall be permitted per parcel or lot.
5. The maximum size of any accessory building shall be governed by the size of the lot or parcel upon which it is to be located, as shown in the following table. Exterior wall height shall not exceed ten (10) feet from finish floor surface. Grade level is determined as 6” below floor surface.

LOT SIZE	MAXIMUM ACCESSORY BUILDING SIZE	MAXIMUM HEIGHT
Less than 10,000 SF	600 square feet or 6% of the lot area, whichever is less	14'
10,000-15,000 SF	800 square feet	14'
15,001-1.00 acre (43,560 SF)	1,000 square feet	14'
1.01-2.00 acres	1,200 square feet	14'
2.01-3.00 acres	1,400 square feet	15'
3.01-4.00 acres	1,600 square feet	15'
4.01-5.00 acres	1,800 square feet	16'
5.01-acres & over	2,000 square feet	16'

6. In addition to one (1) accessory building in conformance with the above schedule, an additional accessory building or structure of two hundred (200) square feet or less shall

be allowed. This additional building or structure may include a gazebo, pergola, arbor, or similar structure. In no case shall there be more than two (2) accessory buildings, structures, or combination of accessory building and structure per lot.

7. No accessory buildings or structure shall be allowed in the front yard of any residential lot.
  8. There shall be a minimum setback of six (6) feet from any side lot line, six (6) feet from any rear lot line, and a minimum ten (10) foot separation from all other buildings.
  9. Metal and post building types of construction shall not be permitted in any Residential Zoning District; provided, any accessory building greater than one thousand one (1,001) square feet in size shall be exempt from this provision. In no case, shall an accessory building be constructed of or covered by fabric, canvas, plastic film, or similar material that does not provide long-term durability.
  10. Any structure attached to or within ten (10) feet of a principal building shall be considered part of, and subject to all requirements for, a principal building.
- B. Accessory buildings intended for business or industrial purposes and located in Business or Industrial Zoning Districts shall be allowed, provided they conform to all setback, yard, and lot coverage requirements for principal buildings within the Zoning District in which they are located. There shall be no other limits concerning the size or number of such structures located within a Business or Industrial District; provided no such accessory building shall exceed a height of twenty-five (25) feet.
- C. **Prohibition:** Use of semi-trailers, truck boxes, pickup tops and campers as accessory structures is prohibited in all Zoning Districts, as well as any other apparatus intended for use as accessory structures. This subsection is not intended to prohibit the temporary use within a business or industrial district of semi-trailers and intermodal carriers for on-site storage of goods, materials, or products to be off-loaded, shipped, or sold. In addition, the following regulations shall apply to all accessory buildings and structures:
1. Accessory buildings and structures are not to be constructed of canvas, plastic film, or similar material that does not provide long-term durability.
  2. Accessory buildings and structures are not to be built of tubular frame construction.
  3. Accessory buildings and structures in excess of two hundred (200) square feet of floor area shall be securely attached to a foundation, footings or a concrete slab so that they are a permanent fixture on the property.

## **Section 2.10      Accessory Uses**

- A. **Ponds:** Ponds over 1,500 gallons created for livestock watering, irrigation, fish or aquatic life, or for recreational or aesthetic purposes are a permitted use subject to the approval of the Town Administrator upon the finding that the plans meet the following requirements:
1. Minimum lot size shall be one (1) acre. The pond shall be a minimum distance of fifty (50) feet from any property line.
  2. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage and shall not cause a nuisance for adjacent property owners.

3. Ponds shall be located a minimum of one-hundred (100) feet from any septic tank or drain field.
4. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties.
5. Ponds shall not be constructed in a floodplain, wetland, or within five hundred (500) feet of a lake or stream.

**B. Home Occupations:**

1. Permitted operator: No person other than the resident occupants shall be engaged in the home occupation.
2. Location and size: The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling, but shall not, in any case, exceed a total floor area of twenty five percent (25%) of the total gross floor area of the dwelling unit.
3. Character: There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation. No separate entrance shall be permitted for the home occupation.
4. Sales: No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
5. Traffic: Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood.
6. Parking: Parking areas for a home occupation shall be located on a hard-surfaced area and not adjacent to adjoining properties.
7. Nuisance: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
8. Permit: An annual zoning compliance permit, issued by the Town Administrator, shall be required for home occupations, the review of which shall include fire and police officials.

**C. Keeping Animals:**

1. Cats and Dogs: No more than a combined total of three (3) cats or dogs, six (6) months of age or older, shall be kept or housed in a dwelling unit unless the owner holds a kennel license.
2. Livestock: Notwithstanding any other provision of this Ordinance, the raising, holding, keeping or possessing of any livestock, poultry, fowl or other animals, whether for personal or commercial use shall be permitted only upon those tracts of land in the "A" Agricultural District consisting of ten (10) acres or more. .
3. Containment: Where livestock are kept or allowed outside, a fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.

4. Buffer: Fenced animal paddock or corral areas shall be a minimum of fifty (50) feet from any property line and one hundred (100) feet from any neighboring dwelling.
5. Waste: Animal waste shall be managed so as not to be a hazard to health or a nuisance to neighbors.
6. Wild and exotic: Wild and exotic animals are prohibited in all districts.

D. **Outdoor parking or storage of commercial vehicles**: Semi-trailers, over the road commercial haulers, gravel trains, and similar vehicles licensed for 20,000 pounds or more gross vehicle weight (GVW) are not permitted to be parked or stored in any residential districts, except in a completely enclosed building, conforming to the size limitations set forth in this Ordinance

E. **Recreational Vehicles**:

1. Storage: The outdoor storage or parking of recreational vehicles in all Residential Districts shall be subject to the following minimum conditions:
  - a. Not more than one (1) recreational vehicle may be parked or stored, on any lot, and only in conformance with the following conditions.
    - i. Recreational vehicles stored outside shall be maintained in a clean, well kept state so as not to detract from the appearance of the surrounding area.
    - ii. Storage or parking of any vehicles shall be limited to the lot or parcel upon which the owner of the vehicle also makes his primary residence.
    - iii. Recreational vehicles, if parked or stored on a lot in a Residential District, shall be placed in an enclosed building or behind the front building line. No such vehicle shall be parked or stored in a front yard.
2. Loading: Notwithstanding the provisions above, a unit may be parked anywhere on the premises for a period not to exceed twenty-four (24) hours in any seven days for the purpose of active loading or unloading. The use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
3. Occupancy with dwelling: Guests at a lot with an existing dwelling may occupy one (1) recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding three (3) consecutive days. The vehicle shall not be located in the required front yard; shall be parked on a paved surface; and shall be no closer than four (4) feet to a public sidewalk and adjoining property line.

F. **Swimming Pools**: It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Cedar Lake except in compliance with all the provisions of this TITLE.

1. Location: No portion of an outdoor swimming pool shall be located in a front yard, except on a waterfront lot, The swimming pool shall not be placed closer than ten (10) feet from any side or rear property line, or building, or at any other location where a “structure” is prohibited under the other terms of this Zoning Ordinance. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph.

2. **Permit Required:** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the Town unless a Zoning and Building Permit have first been obtained from the Town in accordance with the procedures set forth in this Zoning Ordinance, as amended from time to time.
3. **Drawing, Plans and Permits:**
  - a. All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the Zoning and Code Enforcement Officer for examination and approval as to proper location and construction.
  - b. All such drawings and plans shall accurately portray the relevant lot lines and setback distances, and include information as to the pool, walk, fence construction, water supply system, drainage, water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided in accordance with all applicable building, plumbing and electrical codes.
  - c. Once such drawings and plans are approved, the construction and location of the swimming pool and its appurtenances shall be constructed in strict conformance to such plans.
4. **Recirculation Pools:** All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the swimming pool by pumps; the water drawn from the swimming pool shall be clarified and disinfected before returned to the swimming pool.
5. **Materials (applicable to in-ground pools):** Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor or bottom surface of the swimming pool shall have a non-slip finish as smooth as possible. The side and end walls of a swimming pool shall present a smooth finish and shall be vertical to a depth of at least six (6) feet or shall have a slope or curvature meeting one of the following conditions:
  - a. The swimming pool may be vertical for thirty (30) inches from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point, and thirty (30) inches.
  - b. To a depth of six (6) feet, except as in (a) above, the wall's slope shall not be less than one (1) foot horizontal in six (6) feet vertical.
6. **Structural Design (applicable to in-ground pools):** The slope of the bottom of any part of a swimming pool in which the water is less than five (5) feet in depth shall be not more than one (1) foot in each ten (10) feet. The maximum slope where water is five (5) feet or more in depth shall not exceed one (1) foot in two (2) feet.
7. **Walk Areas (applicable to in-ground pools):** Unobstructed walk areas of not less than thirty-six (36) inches shall be provided to extend entirely around any in-ground swimming pool. The walk area shall be constructed of impervious material, and the surfaces shall be such as to be smooth and easily cleaned and made of not-slip

construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot, designed to prevent back drainage from entering the swimming pool.

8. **Fences:** All outdoor swimming pools shall be completely enclosed by a fence. The required fence may either be used to enclose only the swimming pool itself, or may be a fence which provides a continuous barrier to the portion of the yard where the swimming pool is located. All fence openings or points of entry into the swimming pool area enclosures shall be equipped with gates. The fence and gates shall be at least five (5) feet in height above the grade level. All gates shall be equipped with self-closing and self-latching devices and shall be set in concrete bases, or otherwise comply with manufacturer's specifications. The structural sides of an above-ground swimming pool may be used in satisfying the fence height requirement, provided the sides, or a combination of the sides and a vertical fence above the sides, are at least sixty (60) inches high above the ground. Retractable stairs which are self-latching are acceptable substitutes for closing gates.
9. **Steps or Ladders:** In every swimming pool at least one (1) or more means of egress in the form of steps or ladder shall be provided. However, if the pool is over thirty (30) feet wide two (2) ladders are required.
10. **Outlets:**
  - a. Swimming pools shall be equipped with facilities for completely emptying the swimming pool. Discharge of the swimming pool water to the storm sewer shall be at a rate not exceeding two hundred (200) gallons per minute. No direct connection shall be made to the storm sewer. The pool drain shall be designed and located to prevent the flow of water onto adjoining property.
  - b. Water drained from the swimming pool shall not be discharged into the storm sewer system during period of rains or storms. At no time shall the rate of drain water discharge exceed a flow of two hundred (200) gallons per minute.
11. **Electrical Requirements:**
  - a. All electrical installations provided for, installed, and used in conjunction with private residential swimming pool shall be in conformance with NEC and/or NIPSCO Regulations, however, ground fault interrupters shall be required in all instances as stated in the Indiana Swimming Pool Code (675 IAC 20).
  - b. No current carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within fifteen (15) of such pools.
  - c. All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.
12. **Inspection:** The Code Enforcement Officer periodically may inspect any swimming pools to determine whether or not the provisions of the Zoning Ordinance, as amended from time to time, have been complied with and maintained.

13. Permitted Uses: Private swimming pools shall be permitted in all Residential Zoning Districts, and in other Zoning Districts only by way of special use approval from the Board of Zoning Appeals.
14. Non-Conforming Structures: All swimming pools not in conformance with this Zoning Ordinance, erected or maintained prior to the effective date of this Zoning Ordinance shall be deemed to be non-conforming structures.

G. **Satellite Dish Antennae:** Antennae of a dish shape intended for the purpose of receiving satellite transmission of either an audio or video nature shall be considered as permitted accessory uses in any Zoning District. However, any dish antennae exceeding twenty-four (24) inches in diameter shall only be permitted with special land use approval.

## **Section 2.11 Temporary Uses**

A. **Permit required:** Upon application, and as noted below, the Town Administrator may issue a zoning permit for the following temporary buildings or uses.

B. **Allowed Temporary Uses:**

1. Temporary Offices or Construction Trailers.
  - a. Temporary office building or construction trailer incidental and necessary to construction at the site where located.
  - b. Temporary sales office incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
  - c. In any case, the office building or construction trailer shall be removed when fifty percent (50%) or more of the lots or units have been developed or sold.
2. Seasonal Uses.
  - a. The Town Administrator may issue a permit for the temporary sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival. Seasonal uses shall include the sale of Christmas trees, and similar activities, but shall not include roadside stands.
  - b. In considering a request for a temporary permit, the Town Administrator must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The Town Administrator will also determine that adequate off-street parking is available to accommodate the use.
  - c. Each permit shall be valid for a period of not more than one (1) calendar month within any consecutive six (6) month period, except that the permit may be renewed by the Town Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.
3. Temporary Residence. The Town Administrator may authorize the temporary placement of a mobile home after issuance of a Building and Zoning permit, for a parcel of land during the reconstruction of any single-family home destroyed by an act of God.

4. Model Home. A model home shall be permitted in any Residential District upon the terms and subject to the conditions of this section. A model home shall not be deemed to be permitted under any accessory use provision or comparable provision of this ordinance.
  - a. A model home may be used for discussing the purchase and sale of dwellings or lots, as a place for meeting and greeting customers for houses or lots and as a place for signing papers in connection with the purchase and sale of dwellings or lots. The use of a dwelling as a model home shall not include the use thereof for a general real estate office or other kind of office. Transactions occurring in the model home shall not include those covering dwellings or lands outside the subdivision or land development area in which the model home is located.
  - b. A model home may be shown to prospective customers only by appointment or during open houses. There shall be no newspaper or other news media advertising of available hours at a model home, except that the hours of open houses at a model home may be advertised.
  - c. The architecture and appearance of model homes shall be substantially similar to those of other dwellings in the immediate vicinity.
  - d. Signs shall comply with the sign provisions of the zone in which the model home is located and other applicable sign provisions in this Ordinance.
  - e. A model home shall at all times comply with the Building Codes and other applicable ordinances.
  - f. The dwelling shall not be used as a model home for more than two (2) years from the date of issuance of the certificate of occupancy.
5. Private Rummage Sales.
  - a. A permit shall be obtained, at no charge, from the Town Administrator by the owner of a property upon which a rummage sale is to take place.
  - b. Rummage sales shall be conducted only within daylight hours and shall not continue for more than two (2) consecutive days.
  - c. Not more than two (2) rummage sale permits shall be issued for the same property within any calendar year.
  - d. Personal property offered for sale may be displayed in a residence, garage, carport, or yard but shall not be displayed within any public right-of-way.
  - e. Not more than two (2) off-premise signs may be posted to direct traffic to the location of the sale. The signs shall not exceed four (4) square feet in area. The signs may be posted up to seven (7) days prior to the sale and shall be removed no later than one (1) day following the sale. Signs shall not be affixed to trees or utility poles.
6. Public Rummage Sales.

- a. A permit shall be obtained, at no charge, from the Town Administrator by a representative of the organization where the rummage sale will take place.
  - b. Rummage sales shall be conducted only with daylight hours and shall not continue for more than two (2) consecutive days.
  - c. Not more than two (2) rummage sale permits shall be issued for the same organization within any calendar year.
  - d. Property offered for sale may be displayed within a building, parking lot, or yard but shall not be displayed within any public right-of-way.
  - e. A sketch shall be provided to the Town Administrator at the time a permit is requested. The sketch shall show the location of the sales area, driveway locations, and parking facilities.
- C. **Duration:** Each permit for these uses shall specify a location for the building or use and, unless otherwise specified above, shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Town Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.
- D. **Conditions:** In considering authorization for all temporary uses or buildings, the Town Administrator shall consider the following standards and may attach reasonable conditions to temporary and seasonal uses or structures to ensure that the standards and requirements of this Section are met:
- 1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  - 2. The use or structure is reasonably necessary for the convenience and safety of the construction, use or event proposed;
  - 3. The use or structure does not adversely impact the character of the surrounding neighborhood;
  - 4. Access to the use area or structure is located at a safe location;
  - 5. Adequate parking is provided for the use; and
  - 6. The use does not obstruct clear vision or consume needed parking areas for another use.
- E. The Town Administrator may, at his or her discretion, submit a request for a temporary use or building to the Plan Commission for a final decision. In making its decision, the Plan Commission shall consider the same standards as enumerated in D, above.
- F. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

## **Section 2.12 Essential Services**

- A. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas,

electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare shall be exempt from the district standards of this ordinance.

- B. Essential services do not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

### **Section 2.13      Modification of Front Yard Requirements**

- A. **Front Yard-Between Projecting Buildings:** Where a lot is situated between two (2) lots, each of which has a main building which projects into the required front setback line and which existed prior to the effective date of this Ordinance, the front yard requirements for the middle lot may be the average of the existing front yards on either side; provided that no front yard shall be less than ten (10) feet.
- B. **Front Yard-Adjoining Projecting Building:** Where a lot adjoins only one (1) lot having a main building which projects beyond the required front setback line and which existed prior to the effective date of this Ordinance, the front yard requirement on the undeveloped lot may be the average of the front yard of the existing building and the required front yard for the zone district. However, no front yard shall be less than ten (10) feet.

### **Section 2.14      Waiver of Side Yards**

For the purpose of side yard regulations, two family and multiple family buildings shall be considered one building, occupying one (1) lot.

### **Section 2.15      Projections into Required Yards**

Other than as provided herein, no building, structure, architectural feature, or appurtenance, or part thereof, including, but not limited to, patios, decks and the like, shall be erected within or shall project into any required yard in any Zoning District.

- A. **Carport:** A carport may be permitted over a driveway in a side yard; provided the carport does not extend into either the front or rear yards, is not more than one (1) story in height and twenty-five (25) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features. In any case, however, a minimum six (6) foot setback shall be provided, as measured from the carport structural supports to the side lot line.
- B. **Cornice, Sill or Chimney:** A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required front, side or rear yard not more than two (2) feet..

- C. **Fire Escape:** A fire escape may extend or project into any front, side or rear yard not more than four (4) feet. In no circumstances shall the fire escape extend any closer than four feet (4) to the side yard lot line.
- D. **Open Stairway or Balcony:** An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet; provided the structure shall be no closer than four (4) feet to the side lot line. A balcony may extend into a required front yard not more than three (3) feet; provided the lowest point of the balcony is at least ten (10) feet above the established front grade. Open stairways shall not protrude into any front or side setback area.
- E. **Open Porch:** An open, unenclosed porch or uncovered stoop, which does not extend above the level of the first floor of the building, may project into any required side, rear or front yard up to four (4) feet. In no circumstances, however, shall the open porch or stoop extend any closer than four feet (4) to the side lot line. This provision shall not be construed to permit decks in any front yard.
- F. **Wing Walls:** Wing walls, when used in conjunction with a residential structure as attached thereto may be permitted in a side yard, provided that said wing wall does not exceed 6' in height. A wing wall shall be part of the continuous footing and foundation of the structure. In no event shall the wing wall extend any closer than four (4) feet to the side lot line.
- G. **Decks:**
1. Decks shall not be permitted within any front yard, except on waterfront lots.
  2. A deck, including decks adjacent to swimming pools, may be constructed within a rear yard; but shall not be located closer than twenty (20) feet to the rear lot line, nor closer than ten (10) feet to any required side lot line.
  3. The area of the deck shall be computed as part of the maximum lot coverage calculation permitted within the zoning district in which it is located.
  4. The area of a deck located within the required rear yard shall not exceed ten (10) percent of the required rear yard area.
  5. A building permit shall be required for all deck construction, demolition, and/or reconstruction.
- H. **Pergolas, Gazebos, and Arbors:** These structures shall be located in the rear yard only and shall not be closer than ten (10) feet to any lot line; provided, arbors may be located in the front yard but not within the required front setback.

## **Section 2.16 Principal Structure/Use Limitation**

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or one (1) principal use, except for groups of related commercial and office development contained within a single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which, in the opinion of the Town Administrator, form a unified function and appearance.

## **Section 2.17 Structures to have Access**

Every building hereafter erected or moved shall be on a lot adjacent to an improved public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**Section 2.18      Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in any zoning district, other than in completely enclosed buildings, unless displayed for sale on an approved and licensed vehicle sales lot permitted by this Ordinance.

**Section 2.19      Private Driveways-Bituminous and Concrete:**

Private driveways in all subdivisions shall be constructed with a bituminous or concrete surface and comply with the requirements of the Town of Cedar Lake Development Standards Manual.