

TITLE XIII. DEFINITIONS

Section 13.01 Application and Interpretation

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, corporation, partnership, incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- F. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.
- G. If the meaning of this Ordinance is unclear in a particular circumstance, then the Board of Zoning Appeals shall interpret the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Town or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Town.
- J. With the exception of this Title, the headings which title, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- K. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

L. Terms herein not defined shall have the meaning customarily assigned to them.

Section 13.02 Definitions – A

Abut: Abut shall mean having a common property line or district line.

Accessory Building or Structure: A detached building or structure supplementary and subordinate to a principal building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building or structure includes: domestic or agricultural storage in a garage, barn, shed, tool room, or similar building or other structure; accessory radio or television towers; accessory satellite dish.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to, the principal use of the land or building.

Adjacent: To lie near or close to; in the neighborhood or vicinity of.

Adjoining: Touching or contiguous, as distinguished from lying near or adjacent.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

Alley: See “Street.”

Alteration: A change in size, shape, occupancy or use of a building or structure

Animal Hospital: A lot, building, structure, enclosure or premises whereon or wherein three (3) or more dogs, cats, and other domestic animals are kept or maintained, and which is operated by, or the treatment therein is under the direct supervision, of, a veterinarian licensed to practice by the State of Indiana.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

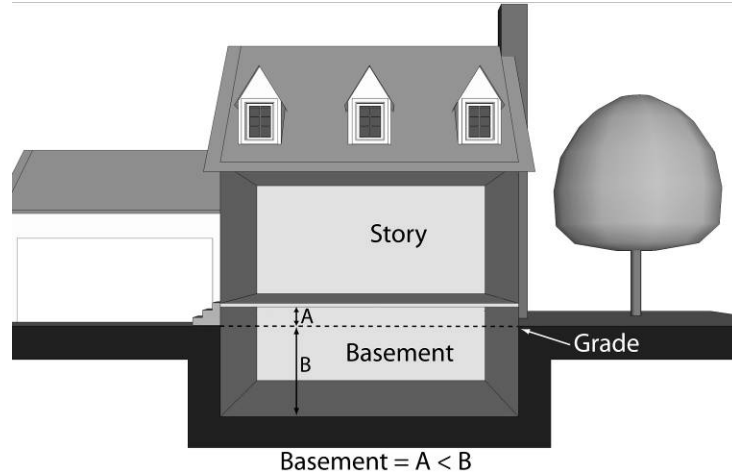
Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

Section 13.03 Definitions – B

Balcony: A platform that projects from the wall of a building, is surrounded by a railing or parapet and is at least ten (10) feet above the finished grade at the foundation wall.

Basement: A portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast: A use within a detached single-family dwelling, in addition to living accommodations for the resident operator and his family, in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.



Berm: A man-made earthen mound of definite height and width used for landscaping and obscuring purposes.

Board of Zoning Appeals: The Board of Zoning Appeals of the Town of Cedar Lake, Lake County, Indiana, established consistent with the Indiana Code 36-7-4-900.

Boarding or Rooming House: A building originally designed for and used as a single or two-family dwelling, all or a portion of which contains lodging rooms to accommodate persons who are not members of the operator's or owner's family. Lodging, or meals, or both, are provided for compensation for two (2) or more, but no more than ten (10) persons.

Breezeway: Any structure built upon a foundation connecting the principal dwelling unit with a freestanding accessory building.

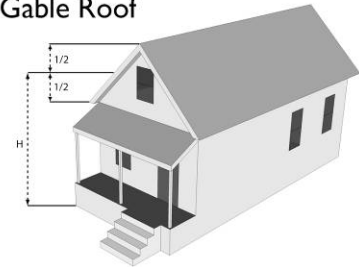
Buffer Area: A strip of land, typically landscaped, separating potentially incompatible uses from one another.

Building: A structure having a roof supported by columns or walls designed or intended for shelter, support or enclosure of persons, animals, chattels or property of any kind, and is permanently affixed to the land. When any portion thereof is completely separated from every other portion thereof by a party wall, then each such portion shall be deemed to be a separate building.

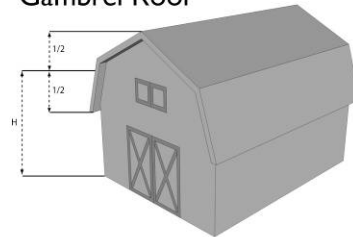
Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Line: A line parallel to the right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located. This line establishes the minimum open

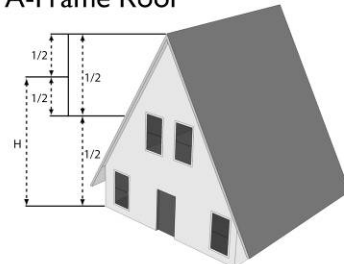
Gable Roof



Gambrel Roof



A-Frame Roof



space to be provided between the front line of buildings and the right-of-way line. (Also, see **Setback Line**)

Building, Lowest Elevation of Entrance: The lowest elevation of the access to the structure that will admit flowing water. By way of illustration and not limitation, the following examples are: door thresholds, window sills, garage floor at entrance, walkout basement door entrance thresholds, and window sills and basement windows. (See “**Flood**”)

Building, Principal (Main): A building in which is conducted the principal use of the lot on which the building is situated.

Section 13.04 Definitions – C

Campground: A facility for camping or staying overnight with sites for tents, trailers, and/or recreational vehicles, which is either open to the general public for free or with a charge, operated and utilized by private members, or is operated by a bona fide nonprofit organization, church, or similar organization.

Capacity in Persons: The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety, as determined by accepted fire and safety standards.

Carport: A shelter or structure with at least three open sides used for housing vehicles.

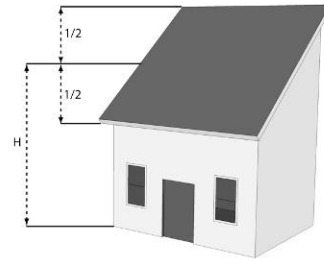
Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Child Care Center: As regulated by IC 12-17.2-4, and defined in IC 12-7-2-28.2, a nonresidential building where at least one (1) child receives child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

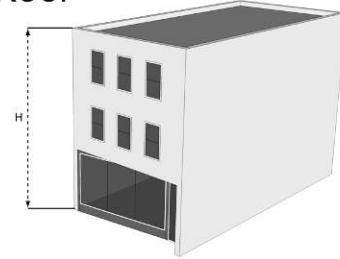
Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary of the primary use as residential, as regulated under IC 12-17.2-5-6.3 and IC 12-7-2-33.7. The term includes Class I child care home, as defined in IC 12-17.5-6.3, et seq., and Class II child care home, as defined in IC 12-7-2-33.8 and IC 12-17.2-5-6.5, et seq.

Child Care Ministry: Child care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under the provisions of the Internal Revenue Code.

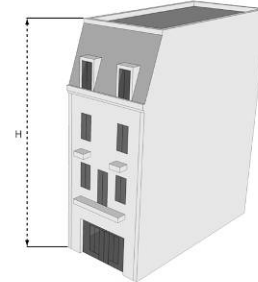
Shed Roof



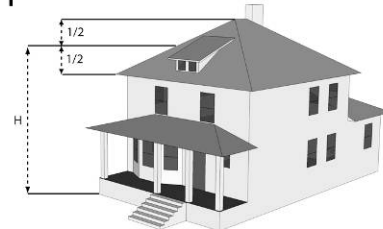
Flat Roof



Mansard Roof



Hip Roof



Children's Home

- A. A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children;
- B. A residential facility with a capacity of not more than ten (10) children;
- C. Operates under a license issued under Indiana Code, provides for delivery of mental health services that are appropriate to the need of the individual; and complies with the rules adopted under Indiana Code by the Division of Family & Children; or
- D. A children's home does not include a juvenile detention facility.

Clearing of Land: The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide, forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Clinic: A facility with at least two (2) certified and licensed physicians and/or dentists, used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical, dental or surgical attention, but which facility does not provide board, room or regular hospital care and services.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

Cocktail Lounge, Bar or Night Club: (See Tavern)

Code Enforcement Officer: The person duly appointed and designated by the Town Council of Cedar Lake to enforce the provisions of the building code and applicable provisions of this, and other ordinances, adopted by the Council.

Commission: The Advisory Plan Commission of the Town of Cedar Lake, Lake County, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one common stockholder, partner, or associate.

Community Center: A public building including one (1) or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities, and family day care centers, all for the common use of residents.

Comprehensive Plan: A document, adopted by the Town Council of Cedar Lake, consistent with the requirements of the Indiana Code that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Conditional Use: A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, peace, morals, comfort, convenience and general welfare.

Condominium: Real estate lawfully subjected to the terms and provisions of the State of Indiana

Statutory Horizontal Property Law, as amended from time to time. Real estate is not a condominium under the State of Indiana Horizontal Property Law unless the undivided interests in the common areas and facilities are vested in the condominium unit owners.

Condominium Unit: An enclosed space consisting of one or more rooms, occupying all or part of a floor or floors in a structure of one (1) or more floors or stories, regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, with either direct access to a public street or highway, or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common elements appertaining to that unit of space.

Construction: The placing of construction materials, including landfill, in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, that excavation, demolition or removal shall be deemed construction.

Contiguous: Abutting adjoining properties.

Convalescent or Nursing Home: (See **Nursing Home**).

Corner Lot: (See **Lot, Corner**)

County: Lake County, Indiana

Court: An open, unoccupied space on the same lot with a building or group of buildings and bounded on three (3) or more sides by the building or buildings. The width of any court is its narrowest horizontal dimension measured between opposite walls. The length of any court is its greatest horizontal dimension measured at right angles to its width.

Cul-de-sac: (See **Street, Cul-de-sac**)

Curb Line: A line located on either edge of the roadway, but within the right-of-way line.

Section 13.05 Definitions – D

Day Care Center: Any institution operated for the purpose of providing care; maintenance; or supervision and instruction to more than five (5) children who are eleven (11) years old and under, separated from their parent, guardian or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays. The term does not include public or private school programs for children age three (3) and older, or day care ministries.

Deck: A wooden platform structure used for outdoor living and entertainment purposes which may or may not be attached to a building and may or may not be roofed and which protrudes more than four (4) inches above the finished grade.

Dedication: The intentional setting apart of land or interests in land for use by the Town of Cedar Lake or other governmental entity.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the property deed and duly recorded with the County. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space and excluding surface water, wetlands, non-residential uses, rights-of-way, and streets.

Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public and/or private improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider” even though the personnel involved in successive stages of the project may differ.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; any use or change in use of any building or land; any extension of any use of land; or any clearing, grading, or other movement of land, installing utilities, erection of walls or fences, construction of roads, or similar projects, construction of flood control structures such as levees, dikes, dams, channel, improvements, mining, dredging, filling, grading, excavation, or drilling operations; construction and/or reconstruction of bridges or culverts, storage of materials, or activity that might change the direction, height, or velocity of flood or surface waters.

District: A section of the Town of Cedar Lake for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established by this Zoning Ordinance.

Dock: A long, narrow structure, extending out into a body of water and attached to the shore, where boats can be moored.

Drive-in Establishment: A business establishment so developed that its retail or service character is dependent upon providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, and to provide self-service for patrons.

Driveway: A pavement which provides access from a street to a lot or to a use located on such lot.

Dump: Land, or a part thereof, used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dumpster: A receptacle container with a hoarding mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

Dwelling (or Dwelling Unit): Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. **Dwelling, Attached:** A dwelling joined to one (1) or more other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.
- B. **Dwelling Detached:** A dwelling which is not structurally joined to another dwelling.
- C. **Dwelling, Townhouse or Row House:** A single family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, sharing common walls but not common floor or ceiling, with a front and a rear wall that are totally exposed for light, access, and ventilation.
- D. **Dwelling Unit, Single Family:** A building on a lot designed and occupied exclusively as a residence for one (1) family.
- E. **Dwelling Unit, Two-Family:** A building on a lot designed and occupied exclusively as a residence for two (2) families, living independently of one another. It may also be termed a duplex.
- F. **Dwelling Unit, Multiple Family:** A building on a lot designed and used exclusively as a residence by three (3) or more families, living independently of one another.

Section 13.06 Definitions – E

Easement: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes, typically maintained by the property owner.

EIFS: External Insulation Finish System, a material similar to stucco or dryvit.

Engineer: The person duly appointed and designated as the Engineer of the Town of Cedar Lake, Lake County, Indiana.

Enlargement: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To “enlarge” is to make an enlargement.

Entertainment: Dancing to music provided either by mechanical means or by live musicians; live performances by musicians and other live presentations by individuals from the performing arts, excluding adult entertainment.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate

service by such utilities or municipal departments for the general health, safety or welfare. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network, and shall not include wind energy conversion systems.

Excavation: Any breaking of ground, except common household gardening and ground care.

Section 13.07 Definitions – F

Facade: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall or eaves for the entire width of the building.

Family:

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

Farm: Any tract of land used for the raising of agricultural products, forest products, livestock or poultry, and including facilities for the sale of such products from the premises where produced.

Farmers Market: (See **Flea Markets**)

Fence: A structure partially or completely surrounding a part of or the whole of a zoning lot which prevents intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth. This includes non-structural walls used for the same purposes as a fence.

Filling: The depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

Flea Markets, Swap Meets, Farmers Markets: A place of commercial sales of merchandise that is located in enclosed, semi-enclosed or outdoor stalls, stand, tables or spaces rented or leased to persons on a daily or weekly basis for the purpose of the display and sale, exchange or barter of new or used merchandise or fresh produce.

Flood: Definitions relating to:

Base Flood Elevation: The elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every 100 years, or which is subject to a 1 percent or greater chance of flooding in any given year.

FBFM (Flood Boundary and Floodway Map): An official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain which is prepared in conjunction with a flood insurance study.

FEMA: Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map.

FIRM (Flood Insurance Rate Map): The official map on which FEMA has delineated both the areas of special flood hazard and risk premium zones.

FPG (Flood Protection Grade): The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Hazard Area: Any area located within the floodplain, including the floodway fringe and floodway.

Flood Protection Grade: The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. **EXCEPTION:** If a commercial or industrial building is flood-proofed as hereinafter defined, the term “flood protection grade” applies to the water surface elevation for which the building is protected.

- A. The elevation of the lowest point around the perimeter of the building at which flood waters may enter the interior of the building; or
- B. The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor.

Flood-Proofed Building: A commercial or industrial building designed to exclude floodwaters from the interior of that building and adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The Floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/FEMA.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or flooding stream.

Floodway Fringe: Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Lowest Floor: The lowest of the following: (1) the top of the basement floor; (2) the top of the garage floor, if the garage is the lowest level of the building; (3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or (4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of 1 square inch for every 1 square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than 1 foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

Regulatory Flood: The flood having a 1 percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The “Regulatory Flood” is also known by the term “Base Flood.”

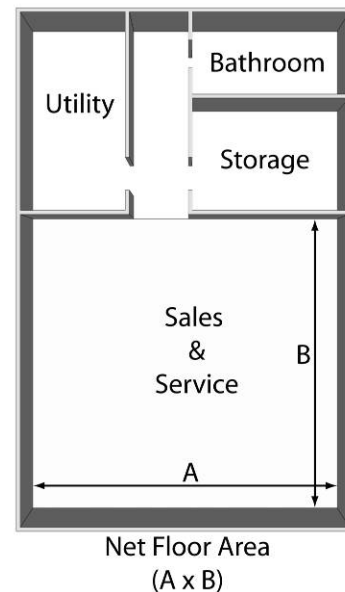
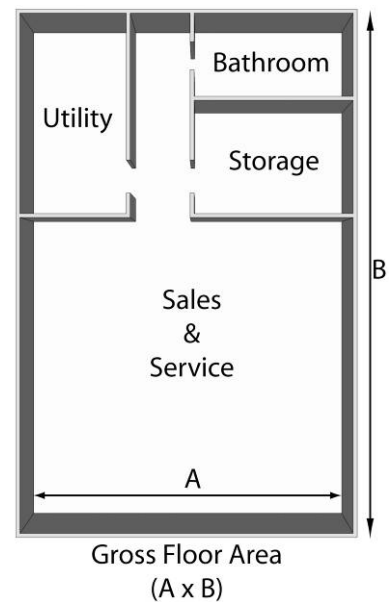
Regulatory Floodway: The channel of a river or stream and those portions of the Floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Regulatory Profile: A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Floor Area, Gross (GFA): The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The GFA of a building shall include the floor area below grade only if more than one-half (1/2) of that level is above the average finished lot grade. GFA shall not include attic space having headroom of seven-and-one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

Floor Area, Net (NFA): The floor area of the specified use, excluding, stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential



building.

Floor Area Ratio (F.A.R.): The gross floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

Freight Terminal: A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intra-state or inter-state shipment by motor trucks or railroad freight cars.

Frontage: The horizontal distance between the side lot lines measured at the street right-of-way or easement line or, in the case of a waterfront lot, measured at the ordinary high water mark.

Section 13.08 Definitions – G

Garage, Parking: A building, except those defined herein as private garages, used exclusively for the parking of self-propelled vehicles.

Garage, Private: A detached accessory building or portion of a principal building used for the storage of self-propelled vehicles.

Garage, Public: A building used for the storage of more than three (3) motor vehicles for a fee.

Grade: The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and /or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Zoning Ordinance.

Ground Floor Area: The square foot area of a residential building within its largest outside dimensions computed on one horizontal plane above the ground level, exclusive of open porches, breezeways, terraces, garages and exterior stairways.

Group Home: A residential facility licensed by the State of Indiana that provides residential services for not more than four (4) unrelated individuals and such staff, as are sufficient to manage the home.

Section 13.09 Definitions – H

Height: (See **Building, Height of**)

Home Occupation: An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Examples may include, but are not limited to, professional services (legal, accounting, writing, music instruction, and similar activities) or domestic occupations (dressmaking, sewing, weaving, and similar activities).

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Household Pets: Any domesticated dog, cat or other animal kept for protection or companionship purposes (excluding farm animals and wild and exotic animals); provided they are not kept, bred or maintained for commercial purposes.

Section 13.10 Definitions – I

Illegal Use: Any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this Zoning Ordinance has been committed or shall exist.

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater directly into the ground.

Improvement Location Permit: A certification issued by the Town Administrator, or designee, stating that the proposed improvement, development and/or use of property complies with the provisions of this Ordinance..

Industrial Park: A unified development designed to accommodate a community of compatible and non-nuisance types of industry.

Industrial Waste or Reclamation Facility: Any facility used for the storage, transportation, reclamation, or disposal of any waste classified as hazardous or toxic by the United States Environmental Protection Agency and/or the State of Indiana.

Industrial Use, General: Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or waste, in which operations other than transportation may be performed in either open or closed areas. (See also **Industrial, Light** and **Industrial, Heavy**)

Industrial, Light: Manufacturing or other industrial uses which are usually controlled operations, and relatively clean, quiet and free of objectionable or hazardous elements, such as smoke, noise, odor or dust, with operating and storing within the enclosed structures, and which generates little industrial traffic or nuisances.

Industrial, Heavy: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, and require large sites, open storage and service areas, extensive services and facilities, with ready access to regional transportation. Such operations normally generate some nuisances, such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Section 13.11 Definitions – J

Junk: Any worn-out, cast off or discarded article or material including, but not necessarily limited to, scrap metal, inoperable motor vehicles or parts, construction material, household wastes including garbage and discarded appliances, and yard debris which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard Including Automobile Wrecking and Storage: Any lot, building, structure, enclosure, premises, or parts thereof, used for the storage, keeping or abandonment of any worn-out, cast off, or discarded or abandoned article, material, vehicle, automobile, machinery or parts thereof, which is ready for destruction, or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage or other waste or discarded materials, articles, vehicles, automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile and to the occupant, owner, purchaser, lessor, lessee, or tenant of any lot, building, or structure therein or thereon situated.

Section 13.12 Definitions – K

Kennel: A lot, building, structure, enclosure or premises whereon or wherein dogs or cats or other household pets are maintained, boarded, bred, kept or cared for in return for remuneration or are kept for the purpose of sale, or are groomed, trained or handled for others.

Section 13.13 Definitions – L

Laundromat: A business that provides coin-operated, self-service type washing, drying, dry-cleaning and ironing facilities.

Legislative Body: (See **Town Council**)

Loading Berth: An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide yards and other open spaces as are required by this ordinance. A lot shall have frontage on an improved public or private street, and may consist of a single lot of record or a portion of a lot of record and shall be described by metes and bounds or boundary lines in a recorded deed or on a recorded plat.

Lot Area: The total horizontal area within the lot lines of the lot. In determining lot area and boundary lines, no part thereof within the limits of any public right-of-way shall be included.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot Coverage: The percentage of the lot area that is covered by buildings and structures, including accessory buildings, but not impervious surfaces such as driveways or patios.

Lot Depth: The distance between the front



and rear lot lines measured along the median between the side lot lines.

Lot Interior: A lot other than a corner lot or a through lot.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.

Lot Line, Front: The boundary of a lot which abuts a street. On a corner lot, both lines abutting a street shall be considered front lot lines. In the case of a waterfront lot, the water side shall be considered the front yard.

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that in the case of an irregularly shaped lot, it means an imaginary line ten (10') feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

Lot Width: The distance, measured along the building line, between side lot lines.

Lot, Zoning: A tract of land located within a single block, which at the time of filing for a zoning permit, or if no zoning permit is required, at the time of filing for a Certificate of Occupancy, is designated by its owner or developer as a tract, all of which is to be used, developed, or built upon as a unit.

Lot of Record: An area of land designated and dimensioned as a lot registered or recorded in the Office of the County Recorder of Lake County, and which actually exists as so shown.

Section 13.14 Definitions – M

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of equipment and material.

Manufactured Home: A detached residential dwelling unit built in a factory in compliance with all applicable Indiana codes and the Manufactured Housing Construction and Safety Standards Code; designed for transportation, after fabrication, on streets or highways on its own wheels or on a flat bed or other trailer; and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration, except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation. May also be referred to as a mobile home.

Manufactured Home Tie Down (Schedule A): Sufficient anchorage to resist flotation, collapse or lateral movement of any manufactured home. At a minimum, such anchorage shall consist of (a) over-the-top ties be provided at each of the four (4) corners of the mobile home, with (2) additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring only one (1) additional tie per side; (b) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four (4) additional ties per side; (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (d) any additions to the manufactured home be similarly anchored.

Manufactured Home Park: Any lot, parcel or tract of land approved and licensed for the parking of manufactured homes.

Marina: A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

Mini-Storage (Commercial): A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

Motel: A building, or group of buildings, whether attached or in connected units, used as individual lodging units designed primarily for temporary occupancy of overnight guests and providing for adjacent accessory off-street parking facilities for each unit. No kitchen or cooking facilities shall be included in the units.

Municipality: The Town of Cedar Lake, Lake County, Indiana.

Section 13.15 Definitions – N

Natural Features: Natural features shall include, but not be limited to: critical habitat, soils, wetlands, woodlots, floodplains, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Plan Commission, Town Council or State of Indiana Natural Features Inventory.

Non-Conforming: A condition of a use, structure, lot or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

Noxious Matter or Material: A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nursing or Convalescent Home: A home or facility for the care and treatment of adult individuals.

Nursery, Plant Materials: Land, buildings, structures, or a combination thereof, for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening and landscaping, such as garden tools, fertilizers and pesticides, but not including tractors or similar heavy equipment.

Section 13.16 Definitions – O

Open Space: A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include, along with natural environmental features, water area, swimming pools, tennis courts, and other recreational facilities deemed permissive. Streets, parking areas, structures of habitation, and the like, are not considered open space.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open Sales Lot: Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale.

Ordinary High Water Mark (Shoreline): The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Outdoor Recreation: Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, and skateboard parks.

Section 13.17 Definitions – P

Patio: A paved area, generally level with the surrounding grade but no more than four (4) inches above grade, adjoining a dwelling, and used for outdoor dining or recreation.

Parking Lot: A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

Parking Space: An off-street space, of prescribed dimensions, exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley. Truck loading and unloading space shall not be included in such area.

Party Wall: A wall without openings starting from the foundation and extending continuously through all stories to or above the roof which separates one (1) building from another and is in joint use by each building.

Performance Bond, Surety Bond: An agreement by a subdivider or developer in the Town guaranteeing the completion of physical improvements according to the plans and specifications, within the time prescribed by the agreement.

Permit, Zoning: See “**Improvement Location Permit.**”

Person: Any individual, corporation, firm, partnership, association, organization, or any other group which acts as a unit.

Personal Services: Any enterprise conducted for gain which primarily offers service to the general public, such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Pier: (See **Dock**)

Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Planned Unit Development: A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings, and one (1) or more principal uses, planned and constructed as a unified development, and where certain regulations of this Zoning Ordinance for the district where it is located are modified.

Plan Commission: (See **Commission**)

Plat: Definitions related to:

Final Plat: The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form.

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Outlot: A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary to but of a smaller scale than the primary use or structure in the development.

Parent Tract: A lot, parcel, or other property that is established in conformance with the zoning and subdivision regulations in effect at that time it was created and is under single legal description recorded in the office of the Lake County Recorder's office.

Plat: A map or chart that shows a division of land.

Preliminary Plat: The preliminary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision is based.

Replat: Any change in a final plat of an approved or recorded subdivision.

Pond: A body of water, natural or man-made, which holds water for an extended period of time and may contain aquatic plants and animals.

Pool, Swimming: A structure or container located either above or below grade, designed to hold water to a depth greater than twenty-four (24) inches for the purpose of swimming, bathing, and relaxation. This definition shall also include spa, hot tub, and similar devices.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Professional Office: Any non-residential building or portion of a non-residential building used or intended to be used as an office for lawyers, architects, planners, engineers, land surveyors, optometrists, physicians, dentists, accountants, and other similarly licensed professionals.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewerage services.

Public Utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under federal, state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, transportation, or water. Wireless telecommunications are not considered public utilities.

Section 13.18 Definitions – Q (reserved)

Section 13.19 Definitions – R

Recreational Vehicle (RV): A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

Research Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

Reservoir Stacking Spaces: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment, also referred to as “stacking spaces.”

Residential Districts: Refers to R-1, R-2, R-T and R-M Zoning Districts.

Restaurant: An establishment in which food or beverages are cooked or prepared and offered for sale, where consumption is permitted on or off the premises, whether or not entertainment is offered, and includes establishments commonly know as grills, cafes, dinner theaters, drive-ins and any fast food establishments.

Right-of-Way: An easement in the land of property owners, obtained by lawful means, for public use, such as a public street.

Right-of-Way Line: The dividing line between a lot and a public or private street, legally open or officially platted by the Town, County or State.

Riparian Lot: A lot that adjoins the bank or shore line of a lake, stream, or other body of water giving it riparian rights including access to water, dockage of boats, and use of water for general purpose subject to the limitations of this Ordinance and all applicable state and federal laws.

Road, Frontage: A local street or road auxiliary to and typically paralleling an arterial highway, providing service to abutting property and adjacent areas and for control of access. This may also be termed a Service Road.

Roadside Stand: A permitted temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest to the motoring public.

Rummage Sales: (See Sales, rummage-private or Sales rummage-public)

Section 13.20 Definitions – S

Sales, Rummage-Private: Temporary sales of used clothing and/or household items conducted in a residence, private garage, porch or yard only by the immediate members of families living at the location where the sale is conducted. Also referred to as Garage Sales.

Sales, Rummage-Public: Temporary sales, conducted by a non-profit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

Sanitary Landfill: The disposal of garbage or refuse by the trench and cover method or fill and borrow method. In the first case, an excavation will be made and the garbage placed in the excavation and covered with the dirt which was removed. In the second case, the fill may be made in a low area and dirt borrowed from other ground would be spread over the top of the garbage on a daily basis. Also, any other method approved by the State Board of Health, State Department of Environmental Management, (or any other applicable State agency) as an acceptable sanitary landfill method may be considered as such by the Plan Commission.

Satellite Dish: A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

School: An elementary school, middle school, high school, college or university.

School, Public: An institution principally financed with tax funds, conducting regular academic instruction.

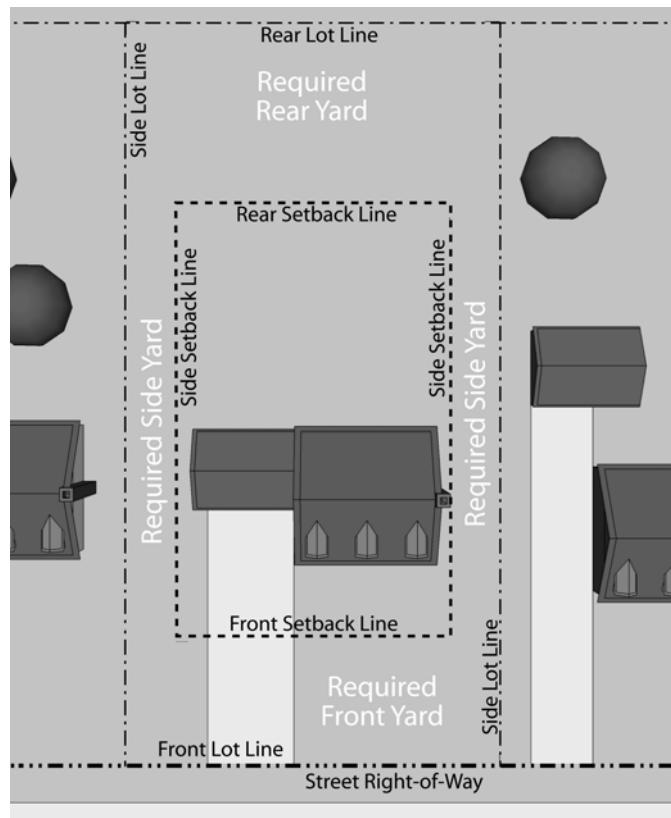
School, Private: An institution not principally financed with tax funds, conducting regular academic instruction.

Screening: A hedge, fence, wall, berm, landscaping or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Setback: The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel. (See “Yard”)

Setback Line:

- A. **Front Setback Line:** The line marking the required setback distance from the



front lot line or street easement line, as applicable, that establishes the minimum front yard setback area.

- B. **Rear Setback Line:** The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. **Side Setback Line:** Lines marking the required setback distance from the side lot lines, between the front and rear setback lines, which establish the minimum side yard setback area.

Sexually Oriented Business: A business that has as one of its principal business purposes or its primary purpose is or has a substantial or significant portion of its business stock in trade or activities relating to "specified anatomical areas" or "specified sexual activities."

Shopping Center: A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises and related in its location, size and type of stores, to the trade area which it serves.

Sidewalk: An improved pedestrian surface that is typically located adjacent to a roadway.

Sign: Any outdoor display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, advertisement, announcement, direction or communication, or any other thing which is designated, intended or used to advertise or inform, and which is produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or any other structure or produced by the painting on or posting or placing of any printed, lettered, pictured, figured or colored material on any building, structure or surface. Specific types of signs include the following:

Awning Sign: A sign that is painted on, printed on, or attached flat against the surface of an awning, including any writing, representation, symbol, logo or any other figure or similar character intended to be part of the display. The presence of any of the above shall cause the entire awning structure to be considered an awning sign.

Billboard: A sign that contains a message related to a business, product, service or profession not conducted, offered, available or sold upon the premises where the sign is located.

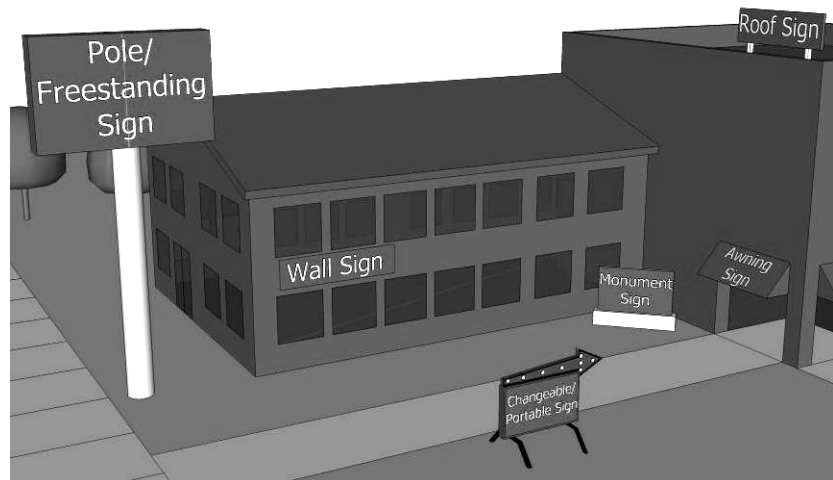
Canopy Sign: See "Awning Sign."

Changeable copy,

electronic: A changeable message sign that includes the presentation of text, animation, pictorials and graphics that are displayed, or are capable of being displayed, in a progression of frames.

Changeable copy, manual:

A sign on which the copy is changed manually through the manipulation of individual letters.



Community special event: Signs which advertise an event sponsored by a civic club, church, government or non-profit organization. Special event signs may include ground signs and/or wall signs, banners, pennants, or similar displays.

Construction: A sign that identifies the owner, lender, contractor, architect, and/or engineer associated with a project under construction.

Directional: A sign typically installed at the driveway opening to direct traffic flow, regulate traffic operations, and provide information to motorists entering and exiting a site.

Freestanding: A sign attached to the ground by means of a base or pole.

Ground: A three-dimensional, base-mounted freestanding sign that is supported by uprights or braces in or upon the ground surface or mounted on a base and consisting of two or more sides extending up from the base.

LED: Light Emitting Diode (LED) utilizing technology of diodes arranged in pixels to create narrow spectrum light, sometimes called electroluminescence.

Menu/options board: A freestanding sign oriented to the drive-through lane for a restaurant or other business offering drive-through services that advertises the merchandise or services available, and which has no more than twenty (20) percent of the total area of the sign utilized for business identification. The sign may also incorporate a speaker for ordering items.

Monument sign: A three-dimensional, base-mounted freestanding display sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Off-premise: Signs advertising or identifying any activities, products, or businesses which are not conducted or maintained on the property on which the signs are located.

On-premise: Signs advertising or identifying any activities, products, or businesses which are conducted or maintained on the property on which the signs are located.

Pole: Signs which are wholly supported by a structure attached to the ground.

Portable: Signs which are of temporary nature and are not permanently affixed to the ground or other permanent structure.

Real estate development: A temporary sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is vacant or under construction on the parcel on which the sign is located.

Roof Sign: A display sign that is erected, constructed and maintained above the parapet or the roof line of a building.

Temporary: A display sign, banner or other advertising device not constructed or intended for long term use.

Trailer-mounted: A sign of light construction capable of being moved from one location to another, usually (but not always) mounted to a chassis with wheels, used for directing attention to a business, commodity, service or entertainment that is conducted, sold or offered on the premises.

Wall: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Site Development Plan: The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, open space, vegetative cover, landscaping and screening and similar items within a site proposed for development which is to be submitted for approval prior to the release of a Zoning Compliance Permit on the site consistent with the requirements of the IC 36-7-4-1400 series.

Special Use: (also termed **Special Exception Use**): A use which possesses certain operational characteristics that may not make it suitable in all locations and, therefore, is allowed only with approval of the Board of Zoning Appeals when certain standards and requirements are met.

Special Event: The attraction of the general public and patrons to commercial uses where events such as sidewalk sales, tent sales or gatherings of less than two hundred (200) people per day are planned.

Stacking Space: An area designated for a line of vehicles waiting for drive through service.

State: The State of Indiana.

Stop Work Order: An administrative order which is posted on the property and/or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels, provided there is not more than four (4) feet difference in elevation between the different levels of the floor.

Street: A public way established by or maintained under public authority for purposes of accommodating vehicular traffic, including the entire area within the right-of-way. Also, a private way open for public uses and a private way plotted or laid out for ultimate public uses, whether or not constructed. The term "street" also includes the terms highway, parkway, road, roadway, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

Alley: A Street intended to provide access to the rear or side of lots or to buildings in urban areas, and not intended for the purpose of through vehicular traffic.

Arterial: A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The arterial system is stratified into primary and minor categories.

Principal Arterial: A system of streets and roads which serve corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connect major population centers in rural areas, or serve major centers of activity and the highest traffic volume corridors with the longest trip desires in urban areas.

Minor Arterial: A system of streets and roads which links other cities, large towns and traffic generators, and provides a substantial amount of interstate and intracounty service in rural areas, or interconnects and augments with the primary arterials to provide service to trips of moderate length for intercommunity continuity in urban areas.

Collector: A system of streets and roads which serves travel of primarily intra-area and intracounty importance with approximately equal emphasis to traffic circulation and land access service. The system collects and distributes traffic between the arterial and local systems.

Cul-de-sac: A local street open at one end only and with a special provision for vehicles turning around.

Local: A system of streets and roads which primarily provides land access service and access to higher order systems.

Private: A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

Public: A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

Structure: Anything constructed or erected which requires a footing or foundation to be set below grade and/or which extends at least four (4") inches above grade. Individual posts or poles (except for those used for signs or advertising devices) shall not constitute a structure; however, if two (2) or more such posts or poles are connected, they shall be considered a structure (i.e. a fence). Also, anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Subdivision: The division of a parcel of land into lots, parcels, tracts, units or interests, in the manner defined and prescribed by the Town Subdivision Control Ordinance, as amended from time to time.

Substantial Modification: Any alteration, repair, enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include either (a) any project for improvement of a structure to comply with existing health, sanitary or safety code specification; or (b) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.

Swap Meets: (See **Flea Markets**)

Swimming Pool: An outdoor structure designed as a receptacle for water, or an artificial pool of water, having a depth at any point of more than two (2') feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, whether such structure is built "in-ground", "above ground", or a combination thereof.

Section 13.21 Definitions – T

Tavern: A public establishment where food may be sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises. May also be termed a Bar, Lounge, Night Club or Saloon.

Temporary Building or Use: A structure or use permitted by the Town of Cedar Lake to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

Toxic Matter or Material: Those materials which are capable of causing injury to living organisms.

Town: The Town of Cedar Lake, Lake County, Indiana.

Town Administrator: The manager appointed by the Town Council to administer the day-to-day business of the Town and manage Town employees.

Town Council: The legislative body of the Town of Cedar Lake, Lake County, Indiana.

Trade or Business School: A secretarial school or college or business school or college which is not public and not owned or conducted under the sponsorship of a religious or charitable organization, or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, or hair dressing, or for teaching industrial skills in which machinery may be employed as a means of instruction. This definition shall not be deemed to include private schools and public schools as defined in this ordinance.

Trailer, Temporary Office or Construction: Any vehicle or portable structure constructed so as to permit temporary occupancy thereof for use as an accessory building or structure in the conduct of business, trade or occupation.

Truck Terminal: Any place where trucks are stored and/or dispatched.

Section 13.22 Definitions – U

Use (Principal or Main): The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Section 13.23 Definitions – V

Variance, Developmental: A modification of the development standards of the zoning ordinance which is authorized by the Board of Zoning Appeals when strict enforcement of the ordinance would cause practical difficulty for the property owner due to circumstances unique to the property.

Variance, Use: The approval by the Town Council, upon recommendation of the Board of Zoning Appeals, of a use within a zoning district that is not otherwise permitted within that district.

Vehicle Sales Lot: Any premises where the principal use is the sale of motor vehicles, including automobiles, motorcycles, vans, and pick-up trucks. Vehicle sales lot shall not include the sale of heavy equipment, semi tractors/trailers, recreational vehicles, or manufactured homes.

Vehicle Repair:

- A. **Major Vehicle Repair:** General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; painting or paint shops; vehicle steam cleaning; and rust proofing

- B. **Minor Vehicle Repair:** Minor repairs, servicing and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding three (3) tons capacity, but not including any operation specified under "major vehicle repair."

Vehicle Service Station: A building or structure designed or used for the retail sale or provision of fuels (which must be stored only in underground tanks), lubricants, air, batteries, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of these commodities on or in vehicles, and including space for temporary short-term storage, minor repair, or servicing. The definition shall not include any operation specified as "major vehicle repair," whether a principal or accessory use, nor shall it be construed as vehicle repair or body shop. A service station may also include other uses such as a convenience store or carryout restaurant.

Vehicle Wash Facility: A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Veterinary Clinic: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention, by a veterinarian licensed in the State of Indiana. A veterinary clinic may include customary pens or cages only within the walls of the clinic structure.

Section 13.24 Definitions – W

Water Course: Any waterway, river, stream, drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term "watercourse" does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

Wetland: Areas that are characterized by soils that exhibit hydric characteristics that can support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: swamps, marshes, bogs, and similar areas.

Wild and Exotic Animals: No person shall keep exotic animals, including but not limited to elephants, tigers, lions, poisonous snakes, poisonous spiders, scorpions, constricting snakes and wolves or any other similar animal that requires a permit from any agency within the state of Indiana or any of the federal government.

Wind Energy Conversion System (WECS): Shall mean a combination of:

- A. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
- B. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, housed in a nacelle; and
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

- E. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

WECS Height: The distance between the ground (at normal grade) and the highest point of a WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

Single WECS for On-site Service Only: A single WECS placed upon a lot or parcel with the intent to service the energy needs of only the property where the structure is located. The WECS must be owned by the owner of the property upon which the WECS is placed.

Wireless Communication Tower: A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

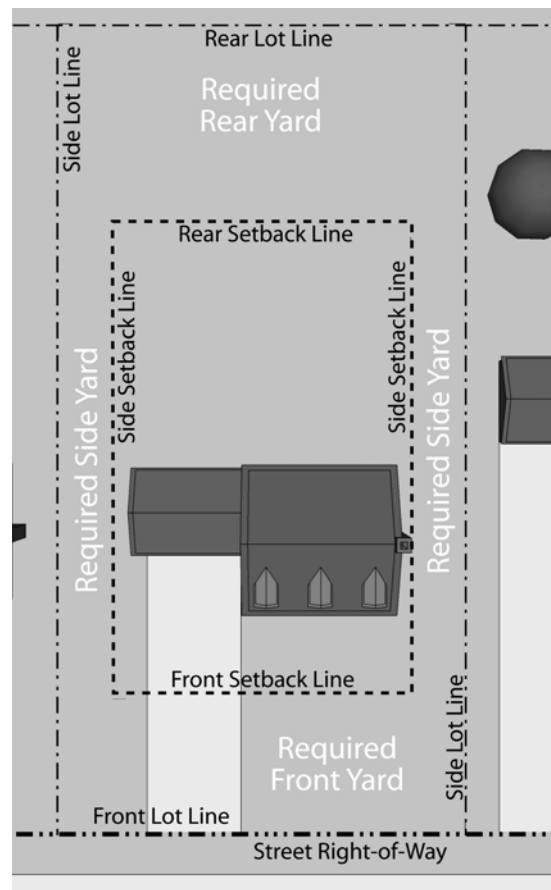
- A. **Antenna:** Any exterior transmitting or receiving device mounted on a communication tower or structure and used in communications that regulate and capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- B. **Collocation:** The location by two or more cellular communication arrays on a tower.

Section 13.25 Definitions – X (Reserved)

Section 13.26 Definitions – Y

Yards: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. **Yard, Required Front:** An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. **Yard, Required Rear:** An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. **Yard, Required Side:** An open unoccupied area between a main building and the side lot lines,



extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

Section 13.27 Definitions - Z

Zoning Map: The official map showing the location and boundaries established by this Zoning Ordinance, as amended from time to time. The Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference, and is a part of this Zoning Ordinance.

Zoning Ordinance: The regulations, requirements, and procedures for land use control, including the zoning map, as contained in Ordinance No.***, as amended from time to time, of the Town of Cedar Lake.

Zoning Permit: See “**Improvement Location Permit.**”