

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1509

AN ORDINANCE RECLASSIFYING CERTAIN LANDS IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, FOR ZONING PURPOSES, AND AMENDING TOWN ZONING ORDINANCE NO. 1402, BEING:

"THE ZONING ORDINANCE OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA",

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THE 1ST DAY OF MARCH, 2022, AND ALL AMENDMENTS PASSED SUBSEQUENT THERETO.

WHEREAS, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Plan Commission"), has heretofore, on the 15th day of January, 2025, held a Public Hearing, pursuant to notice, as prescribed by applicable law, pertaining to Site Plan Regulations and Zoning Ordinance No. 1402 text provisions in Chapter 17 of said Zoning Ordinance 1402, and other matters related thereto; and

WHEREAS, the Plan Commission, at the conclusion of the above-described Public Hearing, certified its FAVORABLE RECOMMENDATION for Zoning Ordinance Site Plan text amendment to the Town Council of the Town of Cedar Lake, Lake County, Indiana; and

WHEREAS, the Town Council, having received and reviewed the FAVORABLE RECOMMENDATION Certification of the Town Plan Commission for Site Plan Text Amendment to Chapter 17 of Zoning Ordinance No. 1402, now concurs and agrees that it is correct and proper to amend the Town Zoning Ordinance text accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

SECTION ONE: That the Site Plan Regulations of the Zoning Ordinance of the Town of Cedar Lake, Lake County, Indiana, the same being Chapter 17 of Town Ordinance No. 1402, as amended, are hereby repealed and replaced hereinafter, namely:

(See Exhibit "A" attached hereto, which is incorporated herein as the described replacement Site Plan Regulations for the Town)

SECTION TWO: That all existing Town Code Sections and Ordinance, or parts thereof, in conflict with the provisions of this Town Zoning Ordinance Text Amendment Ordinance pertaining to Site Plan Regulations, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision, or portion of this Town Zoning Ordinance Text Amendment Ordinance pertaining to Site Plan Regulations shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOUR: That this Town Zoning Ordinance Text Amendment Ordinance, pertaining to Site Plan Regulations, and replacement of Chapter 17 of the Town Zoning Ordinance, shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS ____ DAY OF _____, 2025.

**TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL**

Nick Recupito, President

Greg Parker, Vice-President

Robert H. Carnahan, Council Member

Julie A. Rivera, Council Member

Mary Joan Dickson, Council Member

Richard C. Thiel Jr., Council Member

Chuck Becker, Council Member

ATTEST:

Jennifer N. Sandberg, IAMCA, CMC, CPFIM
Clerk-Treasurer

“Chapter 17 – SITE PLAN

As permitted by the provisions of I.C. §36-7-4-1400 through §1406, inclusive, as provided for hereinafter, site plan review shall be required in all Commercial and Industrial Zoning Districts as outlined hereafter, and under any requirements or conditions established by the Town Planning and Building Department, provided however, that the site plan review requirements may be waived, in whole or in part, in unity, subject to Waiver Approval of the Plan Commission.

Section A Approval:

At any time a property owner seeks to apply for Commercial or Industrial Use approval, to begin new construction, or to modify an existing structure, the property owner/petitioner shall prepare a Preliminary Development Plan for submission to the Plan Commission.

Section B Procedure to Initiate Review and Approval:

To initiate the procedure for review and approval of a preliminary site plan, the property owner/petitioner must submit the proposed plan to the duly designated Town Official(s). The initial submission shall:

1. Be made on forms available at the Office of the Planning and Building Department, and be submitted with the fee as set forth herein.
2. Be accompanied by one (1) copy of the proposed preliminary site plan on a 24” x 36” sheet accompanied by an electronic copy of the proposed preliminary site plan.
3. Be accompanied by documentation indicating proof of an ownership interest in the subject property, such as, but not limited to, a deed, plat of survey, purchase contract, or a power of attorney, for review by the Town’s Attorney.

Section C Procedure for Review and Approval:

The procedure for review and approval of the preliminary site plan shall be as follows:

1. Petitioner shall schedule and attend a Town Staff Meeting. Petitioner shall submit a proposed preliminary site plan to the duly designated Town Official(s) at least one-(1) week prior to the scheduled Staff Meeting. Subsequent to the Staff Meeting, Petitioner may attend a Plan Commission Public Meeting on the Land Use proposed.
2. Subsequent to the Town Staff Meeting, the petitioner may then appear before the Plan Commission at an official public meeting. The Plan Commission may utilize and retain any additional engineers or consultants, as needed, in order to assist the Plan Commission in the performance of their duties.

Section D Preliminary Site Plan:

The preliminary site plan shall include both a map and written text and drawings in an electronic form containing the following information. The drawing format must be in either the current or previous version of the AutoDesk AutoCAD, in PDF format, software. The submittal shall be provided to the Town in a standard form of magnetic or optical media that is readable by the Town information systems. Alternate drawing formats or means of submittal may be accepted upon prior approval from the Town. The following are advisable to be provided for Town review and consideration, namely:

1. Elevation and perspective drawing or model of proposed structures.
2. A development schedule indicating:
 - a. The approximate date for beginning construction.
 - b. If staged, the approximate date for beginning construction of each stage.

- c. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the development and common space.
 - d. Plans and diagrams as required to fully explain the development proposal.
 3. Petitioner shall designate each lot's intensity of use on the plan.
 4. A detailed, written review of the following factors relevant to the development, namely:
 - a. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities;
 - b. Management of vehicular and pedestrian traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community;
 - c. Building setback lines;
 - d. Building coverage;
 - e. Building separation;
 - f. Parking;
 - g. Landscaping;
 - h. Height, scale, materials, and style of improvements;
 - i. Signage;
 - j. Outdoor lighting;
 - k. Noise; and
 - l. Any other information/documentation deemed necessary by the Town Planning and Building Department or Plan Commission.
 5. The development factors specified in number 4a. above, concerning the availability and coordination of water, sanitary sewers, storm water drainage and other utilities shall be in full compliance with the Town Subdivision Control Ordinance and the Cedar Lake Book of Standards, as the same are amended from time to time.
 6. The development factors specified in number 4b. above, concerning the management of vehicular and pedestrian traffic shall ensure the following, namely:
 - a. That the design and location of proposed street and highway access points minimize safety hazards and congestion;
 - b. That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
 - c. That the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.
 7. The development factors specified in number 4c., d., e., f., g., h., and i. concerning building setback lines, building coverage, building separation, parking, landscaping, height and materials, and signage shall be in full compliance with the requirements set forth in the Town Zoning Ordinance, as may be amended from time to time. Additionally, with regard to 4(h), Knox boxes shall be required to be installed on businesses that are not occupied twenty-four (24) hours a day.
 8. The development factors specified in number 4. above concerning outdoor lighting shall ensure that lighting shall be reflected downward and inward and shall be shielded to the extent that no light ascertainable to a standard light meter held one (1') foot above the ground at the property line shall exceed the levels as listed in the Outdoor Lighting regulations in Chapter 14."

IC 36-7-4-1400 Series—Development Plans; application of certain amendments to chapter

Sec. 1400. (a) This section and sections 1401, 1401.5, 1402, 1403, 1404, 1405, and 1406 of this chapter apply only to development plans initially submitted after December 31, 1995.

(b) This series (sections 1400 through 1499 of this chapter) may be cited as follows: 1400 SERIES—DEVELOPMENT PLANS.

As added by P.L.320-1995, SEC.22. Amended by P.L.220-2011, SEC.662.

IC 36-7-4-1401 "Development requirement" defined

Sec. 1401. As used in this series, "development requirement" means a requirement:

- (1) for development of real property in a zoning district for which a development plan is required; and
- (2) that conforms to section 1403 of this chapter.

As added by P.L.320-1995, SEC.23.

IC 36-7-4-1401.5 Power of legislative body to designate zoning districts where plan required

Sec. 1401.5. (a) A legislative body may, in a zoning ordinance, designate zoning districts in which a development plan is required. If a zoning district is designated under this section, the plan commission must approve or disapprove a development plan under this series for real property within the zoning district.

(b) The plan commission has exclusive authority to approve or disapprove a development plan for real property located within the plan commission's jurisdiction.

As added by P.L.320-1995, SEC.24. Amended by P.L.126-2011, SEC.44.

IC 36-7-4-1402 Designation by zoning ordinance

Sec. 1402. (a) This section applies if a zoning district is designated in a zoning ordinance under section 1401.5(a) of this chapter.

(b) In the zoning ordinance, the legislative body adopting the ordinance must specify the following:

- (1) Development requirements that must be satisfied before the plan commission may approve a development plan.

(2) Plan documentation and supporting information that must be supplied to the plan commission before the plan commission may approve a development plan.

(3) Development requirements for approval of a development plan that the plan commission may waive.

(4) Conditions under which the plan commission may waive development requirements for approval of a development plan.

(5) Procedures for submission and review of a development plan, including the nature or type of application, fees, notice, hearing, amendment, and other matters relevant to review.

(c) In the zoning ordinance, the legislative body may authorize the following to review and approve a development plan:

(1) The plan commission staff.

(2) A hearing examiner or committee of the plan commission designated under section 402(d) of this chapter.

As added by P.L.320-1995, SEC.25.

IC 36-7-4-1403 Requisites of zoning ordinance

Sec. 1403. (a) The development requirements that must be specified under section 1402(b)(1) of this chapter may include the following:

(1) Compatibility of the development with surrounding land uses.

(2) Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.

(3) Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.

(4) Building setback lines.

(5) Building coverage.

(6) Building separation.

(7) Vehicle and pedestrian circulation.

(8) Parking.

(9) Landscaping.

(10) Height, scale, materials, and style of improvements.

- (11) Signage.
- (12) Recreation space.
- (13) Outdoor lighting.
- (14) Other requirements considered appropriate by the legislative body.

(b) The development requirements specified under subsection (a)(3) concerning the management of traffic may ensure the following:

- (1) That the design and location of proposed street and highway access points minimize safety hazards and congestion.
- (2) That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
- (3) That the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.

(c) The plan documentation and supporting information that must be supplied under section 1402(b)(2) of this chapter may include the following:

- (1) The location and character of the following:
 - (A) Existing and proposed primary structures and accessory structures.
 - (B) Utilities.
 - (C) Signage.
 - (D) Landscaping.
- (2) The nature and intensity of uses in the development.
- (3) The condition and size of public thoroughfares and parking, vehicle, and pedestrian facilities.
- (4) The location and capacity of drainage facilities and sewer systems serving the development.
- (5) Other information considered appropriate by the legislative body.

(d) In specifying development requirements or plan documentation and supporting information for development plan approval under section 1402(b)(1) through 1402(b)(2) of this chapter, the zoning ordinance may incorporate by reference provisions in the subdivision control ordinance.

As added by P.L.320-1995, SEC.26.

IC 36-7-4-1404 Review and appeal

Sec. 1404. (a) If a zoning ordinance designates a zoning district under section 1401.5(a) of this chapter and authority is delegated under section 1402(c) of this chapter, the zoning ordinance must describe the following:

- (1) The duties of the plan commission staff, hearing examiner, or committee in reviewing a development plan.
- (2) The procedures for review of a development plan by the plan commission staff, hearing examiner, or committee.
- (3) The procedures for an appeal to the plan commission of a decision made by the plan commission staff, hearing examiner, or committee.

(b) A plan commission staff, hearing examiner, or committee to which authority has been delegated under section 1402(c) of this chapter may make a decision concerning a development plan without a public hearing if the zoning ordinance provides for an appeal of the decision directly to the plan commission.

(c) The zoning ordinance may provide for a hearing procedure for review of a development plan that is similar to the hearing procedure for review of subdivision plats under the 700 series of this chapter. If such a procedure is adopted, the zoning ordinance may provide that public notice and hearing are not required for secondary review of a development plan. If notice and hearing are not required for secondary review of a development plan, the primary approval or disapproval of a development plan is a final decision of the plan commission that may be reviewed only as provided in section 1016 of this chapter.

As added by P.L. 320-1995, SEC. 27.

IC 36-7-4-1405 Powers and duties of plan commission

Sec. 1405. (a) The plan commission shall review a development plan to determine if the development plan:

- (1) is consistent with the comprehensive plan; and
- (2) satisfies the development requirements specified in the zoning ordinance under sections 1402 and 1403 of this chapter.

(b) The plan commission may do the following:

- (1) Impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance for approval of the development plan.

(2) Provide that approval of a development plan is conditioned on the furnishing to the plan commission of a bond or written assurance that:

(A) guarantees the timely completion of a proposed public improvement in the proposed development; and

(B) is satisfactory to the plan commission.

(3) Permit or require the owner of real property to make a written commitment under section 1015 of this chapter.

As added by P.L.320-1995, SEC.28. Amended by P.L.126-2011, SEC.45.

IC 36-7-4-1406 Written findings constitute final decision

Sec. 1406. (a) A plan commission shall make written findings concerning each decision to approve or disapprove a development plan. The zoning ordinance must designate an official who is responsible for signing written findings of the plan commission.

(b) Except as provided in section 1404(c) of this chapter, a decision of the plan commission approving or disapproving a development plan or a decision made under section 1405(b) of this chapter is a final decision of the plan commission that may be reviewed only as provided in section 1016 of this chapter.

As added by P.L.320-1995, SEC.29.

IC 36-7-4-1500 1500 Series—Planned Unit Development

Sec. 1500. This series (sections 1500 through