

ORDINANCE NO. 826

AN ORDINANCE AMENDING ORDINANCE NO. 433, AND ALL AMENDMENTS THERETO, A PORTION OF WHICH CONTAINS THE ZONING REGULATIONS AND SUBDIVISION REGULATIONS OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND MORE PARTICULARLY, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE SAME

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, did on the 9th day of February, 1976 adopt Ordinance No. 433, being the Master Plan of the Town of St. John, and containing its zoning and subdivision regulations; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has amended said ordinance on many occasions to meet the needs of the community; and

WHEREAS, it has become necessary to again amend the ordinance, and more particularly, the Zoning Ordinance of the same relating to the Planned Unit Developments, namely, SECTION VII B. Planned Unit Development (P.U.D.); and

WHEREAS, it is the purpose by this ordinance to entirely abrogate the former Planned Unit Development provisions of Ordinance No. 433 and replace them in entirety with the following; and

WHEREAS, it is in the best interests of the Town of St. John to amend Ordinance No. 433, and all amendments thereto, to reflect a more modern and flexible Planned Unit Development Ordinance while preserving the interest of safety and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, that the Zoning Ordinance, designated "SECTION VII B Planned Unit Development", shall read as follows:

( HERE INSERT )

SECTION VII B. Planned Unit Development (P.U.D.)

ARTICLE 1: Statement of Purpose; Change in Zoning District, Development.

1. Provision is included in this SECTION for Planned Unit Development (P.U.D.) Zoning Districts to permit establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interests of the general welfare of the public. In Planned Unit Development (P.U.D.) Zoning Districts, land and structures may be used for any lawful purpose in accordance with the provisions set out in this SECTION. Planned Unit Development (P.U.D.) Zoning Districts shall be permitted by the Plan Commission pursuant to this SECTION in all those districts specified in SECTION IV and VI of Ordinance 433, as amended, by full compliance with this SECTION.
2. The procedure for obtaining a change in a Zoning District or undertaking development within a Planned Unit Development (P.U.D.) Zoning District shall be as follows:
  - A. The owner and developer of the land shall apply in writing to the Plan Commission and shall submit ten (10) copies of a preliminary (primary) development plan as described in Article 2 of this SECTION.
  - B. The Plan Commission shall discuss the proposed application and shall review the preliminary (primary) development plan with the owner and developer. The Plan Commission shall prepare recommendations with regard to the preliminary (primary) development plan and, if applicable, the proposed change in the zoning district.
  - C. The Plan Commission shall send a copy of its recommendations to the owner and developer indicating its approval in principle, or its disapproval. If the preliminary (primary) development plan is approved in principle, the Plan Commission shall state any specific changes it will require.
  - D. After issuance of the Plan Commission's recommendations, the Plan Commission shall give public notice and hold a public hearing on the proposed change of zoning district and/or the preliminary (primary) development plan, as provided by law in the case of an amendment to this Zoning Ordinance, and in the case of preliminary (primary) subdivision plat approval.
  - E. After the public hearing, this Zoning Ordinance may be amended so as to define the boundaries of the Planned Unit Development (P.U.D.) Zoning District, but such action shall have the effect only of granting permission for development of the specific proposal in accordance with the preliminary (primary) development plan submitted. The recommendation of the Plan Commission shall be made to the Town Council, which shall consider such request for change of zoning district as in ordinary cases of rezoning.

ARTICLE 2: Preliminary (Primary) Development Plan.

The owner and developer shall submit a preliminary (primary)

development plan to the Plan Commission for review, together with the application for a change of zone district classification, if applicable. The preliminary (primary) plan shall be prepared and shall include the following information:

- A. Proposed site plan, showing building locations and land use areas;
- B. Proposed traffic circulation, parking areas, pedestrian walks and landscaping;
- C. Proposed construction sequence for public improvements, buildings, street lighting, parking spaces and landscaped areas.
- D. A survey of the property, showing existing features of the property, including contours, building structures, trees over (4) inches in trunk diameter, streets, utility easements, rights-of-way and land use;
- E. Landscaping plans, including site grading and landscape design;
- F. Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
- G. Preliminary engineering plans, including street improvements, lighting, drainage system and public utility extensions;
- H. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Plan Commission;
- I. Proposed construction sequence and time schedule for completion of each phase for buildings, parking spaces, landscaped areas, public improvements, and maintenance schedules for all common areas, open spaces, and drainage systems.

ARTICLE 3: Final (Secondary) Development Plan.

1. The owner and developer shall submit a final (secondary) development plan to the Plan Commission for review; and which shall include the following information:
  - A. A survey of the property, showing existing features of the property, including contours, building structures, trees over (4) inches in trunk diameter, streets, utility easements, rights-of-way and land use;
  - B. Final site Plan showing building locations and land use areas;
  - C. Traffic circulation, parking areas and pedestrian walks;
  - D. Landscaping plans, including site grading and landscape design;
  - E. Drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;

- F. Engineering plans, including street improvements, lighting, drainage system and public utility extensions;
  - G. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, landscaped areas, public improvements, and maintenance schedules for all common areas, open spaces, and drainage systems.
2. The final (secondary) development plan shall be in general conformance with the approved preliminary (primary) development plan. Preliminary (primary) plan approval shall be effective for a maximum period of twelve (12) months, unless upon application by the developer in writing, an extension of time is requested, the Plan Commission finding reasonable grounds therefor, can grant one or more extension each of which shall not be for a longer period of time than six (6) months.
3. Prior to the granting of any final (secondary) development plan, the Plan Commission may recommend, and the Town Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, construction, architectural design of buildings, maintenance, beautification, aesthetics, operation and other elements of the Planned Unit Development, as deemed necessary for the protection of the public interest, including, but not limited to, bonding requirements, improvement of the development, and protection of the adjacent area in order to secure compliance with the standards specified above. In all cases in which development plans are granted, the Town Council shall require such evidence and guarantees, including, but not limited to bonding requirements, as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be complied with for the improvement of the development, protection of the adjacent area and to secure compliance with the standards specified.

ARTICLE 4: Findings Required.

The Plan Commission, after determining that all of the requirements of the Zoning Ordinance dealing with Planned Unit Development (P.U.D.) Zoning Districts have been met, shall recommend approval, approval with modifications or disapproval of both the preliminary (primary) and final (secondary) development plan. The Plan Commission shall enter its reasons for such action in its records. The Plan Commission may recommend the establishment of a Planned Unit Development (P.U.D.) Zoning District, provided that it finds the facts submitted with the development plan establish that:

- A. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other zoning district;
- B. Any amendment to the requirements of this Zoning District is warranted by the design and amenities incorporated in the development plan;
- C. Land surrounding the proposed development either can be planned in coordination with the proposed development, or will be compatible in use;

- D. The proposed change to a Planned Unit Development (P.U.D.) Zoning District is in conformance with the general intent of the Comprehensive Master Plan;
- E. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district, and within the vicinity of the proposed district;
- F. Existing and proposed utility services are adequate for the proposed development;
- G. Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment; and
- H. The proposed Planned Unit Development (P.U.D.) District and all proposed buildings, parking spaces, landscape, and utility areas, can be completely developed within five (5) years of the establishment of the zoning district.

ARTICLE 5: Planned Unit Development Standards Generally.

1. The purposes of the Planned Unit Development Standards are to provide for the rezoning of land to residential, commercial and business development zones in conformance with the provisions and standards which ensure compatibility among all the land uses, foster innovation, site planning and development, and encourage sound development in the interests of safety and the general welfare of the public.
2. The standards for Planned Unit Development (P.U.D.) Zoning Districts are to provide the Plan Commission with a means to evaluate applications for such districts consistent with the provisions and general intent of this SECTION, and the Comprehensive Master Plan.
3. The standards contained in this Ordinance for Planned Unit Development (P.U.D.) Zoning Districts are intended to strengthen public control over development, while providing the necessary latitude for the owner and developer to make creative and efficient use of their property.

ARTICLE 6: Residential Planned Unit Development (P.U.D.) Zoning District Uses.

In residential Planned Unit Development (P.U.D.) Districts, the following uses may be permitted:

- A. One-family dwellings and two-family dwellings;
- B. Multiple-family dwellings;
- C. Religious institutions;
- D. Schools;
- E. Community centers;
- F. Membership clubhouses;
- G. Public outdoor recreation;

- H. Accessory uses;
- I. Parking;
- J. Other compatible uses approved by the Plan Commission.

ARTICLE 7: Area, Yard, Coverage and Supplementary Regulations for Residential PUD Planned Unit Development (P.U.D.) Districts

Residential Planned Unit Development (P.U.D.) Districts shall conform to the following area, yard, coverage and supplementary regulations:

- A. District area minimum: Five (5) acres, if nonresidential uses included, ten (10) acres.
- B. District width minimum: One Hundred Fifty (150) feet.
- C. Yards required: Setback requirements for all yards shall be that of the zoning district in which the property is located, unless upon good cause shown with the public interest secured an exception to the same is granted by the Plan Commission and included within the ordinance creating the Planned Unit Development (P.U.D.) Zoning District.

ARTICLE 8: Business Or Commercial Planned Unit Development (P.U.D.) Zoning District Uses.

In Business or Commercial Planned Unit Development (P.U.D.) Zoning Districts, the following uses may be permitted:

- A. Retail stores;
- B. Business offices;
- C. Hotel and motel developments;
- D. Indoor recreation developments;
- E. Religious institutions;
- F. Community centers;
- G. Personal services;
- H. Accessory uses;
- I. Parking;
- J. Other compatible uses approved by the Plan Commission.

ARTICLE 9: Area, Yard, Coverage and Supplementary Regulations for Business or Commercial Planned Unit Development (P.U.D.) Zoning Districts.

Business or Commercial Planned Unit Development (P.U.D.) Zoning Districts shall conform to the following area, yard, coverage and supplementary regulations.

- A. District Area Minimum: Ten (10) acres.
- B. District Width Minimum: Three Hundred (300) feet.
- C. Yards Required: Setback requirements for all yards shall be that of the zoning district in which the

property is located, unless upon good cause shown with the public interest secured an exception to the same is granted by the Plan Commission and included within the ordinance creating the Planned United Development (P.U.D.) Zoning District.

ARTICLE 10: Light Industrial Planned Unit Development (P.U.D.) Zoning District Uses.

In Light Industrial Planned Unit Development (P.U.D.) Zoning Districts, the following uses may be permitted:

- A. Building material sales and storage, commercial storage, and warehousing;
- B. Concrete products manufacture;
- C. Equipment repair and storage;
- D. Freight and trucking terminal;
- E. Implement sales and service;
- F. Machine manufacture and machine shop;
- G. Lumber sales and storage;
- H. Paper products manufacture;
- I. Plumbing sales and service;
- J. Public transportation terminal;
- K. Publishing and printing;
- L. Wholesale outlets;
- M. Accessory uses;
- N. Parking;
- O. Other compatible uses approved by the Plan Commission.

ARTICLE 11: Area, Yard, Coverage and Supplementary Regulations for Light Industrial Planned Unit Development (P.U.D.) Zoning Districts.

Light Industrial Planned Unit Development (P.U.D.) Zoning Districts shall conform to the following area, yard, coverage and supplementary regulations.

- A. District Area Minimum: Ten (10) acres.
- B. District Width Minimum: Three Hundred (300) feet.
- C. Yards Required: Setback requirements for all yards shall be that of the zoning district in which the property is located, unless upon good cause shown with the public interest secured an exception to the same is granted by the Plan Commission and included within the ordinance creating the Planned United Development (P.U.D.) Zoning District.

ARTICLE 12: Off-Street Parking.

Off-street parking and loading facilities for Planned Unit

Development (P.U.D.) Zoning Districts shall comply with the provisions set forth in Ordinance 433, as amended, and with all other applicable ordinances of the Town, as amended from time to time hereafter, including all ordinances relating to subdivision control preliminary to development and use of land.

ARTICLE 13: Private Streets.

1. Private street rights-of-way and pavements in a Planned Unit Development (P.U.D.) Zoning District shall be constructed in conformance with the minimum street specifications prescribed by the Subdivision Control Ordinance, except as otherwise recommended by the Plan Commission as part of a final plan and plat.
2. At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least fifteen (15) inches by twenty-one (21) inches, on which is printed and clearly legible in at least two (2) inch letters, the name of the private street and words "PRIVATE STREET" and, in at least one (1) inch letters, the words, "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The materials on the sign shall be arranged substantially as follows:

(NAME OF STREET)  
PRIVATE STREET  
NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC

3. Private streets shall be maintained by the owners so that fire, police, health, school, and public utility vehicles have adequate access. Adequate access includes an adequate turning area.

ARTICLE 14: Public Streets.

Where public streets are required by the Comprehensive Master Plan or the Plan Commission, as deemed necessary, they shall be dedicated and constructed in conformance with the minimum street specifications prescribed by the Comprehensive Master Plan and Subdivision Control Ordinance.

ARTICLE 15: Contract.

When a Planned Unit Development (P.U.D.) Zoning District is recommended by the Plan Commission, the owner and developer shall enter into a contract with the Town to guarantee the implementation of the development, according to the terms of the conditions established as part of the development plan. Any subsequent change or addition to an approved plan shall be submitted for approval to the Plan Commission, and if in the Plan Commission's opinion, such change or addition is not substantial, it may approve the change. If such change or addition is construed to be substantial, a public hearing shall be held prior to such approval. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a development shall be cause for termination of the approval for said project. At least ten (10) days notice shall be given to the owner and developer to appear before the Plan Commission and answer any such charge of noncompliance. In the event the Plan Commission finds the charges substantiated, they may recommend such termination of the project approval if the situation is not satisfactorily adjusted within a specified time period, as determined by the Plan Commission.




ARTICLE 16: Compliance with Other Ordinances.

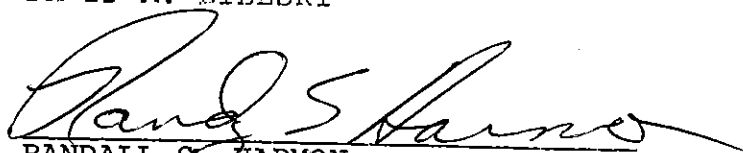
Nothing contained in this SECTION is intended to relieve any owner, developer or user of land from compliance with all other ordinances of the Town of St. John, as amended from time to time hereafter, including all ordinances relating to subdivision control preliminary to development and use of land. However, the Plan Commission, upon a finding that extraordinary hardships or particular difficulties may result from strict compliance with the Subdivision Control Ordinance, may allow a waiver of said regulations or grant exceptions to the regulations so that substantial justice may be done and the public interest may be secured provided that such waivers or exceptions shall not have the effect of nullifying the intent and purpose of this ordinance.

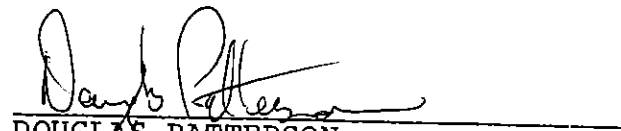
BE IT FURTHER ORDAINED that all other provisions of the zoning ordinance and subdivision regulations shall remain in full force and effect when not in conflict herewith as shall Ordinance No. 433, as amended.

BE IT FURTHER ORDAINED that this Ordinance is adopted pursuant to I.C. 36-7-4-607, and the Town Council does now find that the Plan Commission complied substantially with I.C. 36-7-4-604 of the Indiana Code;

Passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana, this 12<sup>th</sup> day of Feb., 1990.

  
DAVID M. BIELSKI

  
RANDALL S. HARMON

  
DOUGLAS PATTERSON  
TOWN COUNCIL, TOWN OF ST.  
JOHN, LAKE COUNTY, INDIANA

ATTEST:

  
CLERK/TREASURER