

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 946

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN ON THE 9TH DAY OF JULY, 1990, ALL AMENDMENTS PASSED SUBSEQUENT THERETO, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, did, on the 9th day of July, 1990, pass and adopt a Zoning Ordinance for the Town;

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, did, on the 10th day of August, 1992, pass and adopt Ordinance No. 901 which amends the Town's Zoning Ordinance;

WHEREAS, The Plan Commission of the Town of St. John has been advised, and has determined that Public Hearing Notification provisions require amendment; and

WHEREAS, the Plan Commission of the Town of St. John has recommended that the Town Zoning Ordinance, as amended from time to time, be amended and modified in its terms regarding Public Hearing Notification requirements; and

WHEREAS, the Board of Zoning Appeals of the Town of St. John has been advised and has concurred with the recommendation of the Plan Commission of the Town of St. John that Public Hearing Notification provisions require amendment; and

WHEREAS, the Plan Commission of the Town of St. John has held a Public Hearing on the 5th day of January 1994 pursuant to published notice as required by Law, to consider the advisability and necessity of amending the terms of the Town Zoning Ordinance, as amended from time to time, in its terms regarding Public Hearing Notification requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That Paragraph 10 of Section B of TITLE XIX, entitled ADMINISTRATION AND ENFORCEMENT, of the Town Zoning Ordinance, as amended from time to time, be, and the same is hereby amended as follows, namely:

"TITLE XXIII" -- ADMINISTRATION AND ENFORCEMENT

SECTION B : Board of Zoning Appeals

Public Hearings. Upon the filing with the Board of Zoning

Appeals of any application for special exception, special use, contingent use, conditional use, or variance, a reasonable time and place for public hearing thereon shall be established and notice thereof shall be given as follows:

- A. By publishing a notice in two (2) newspapers of general circulation published at least one (1) time per week in the Town, with one (1) publication in each newspaper to appear at least ten (10) days before the date for the scheduled public hearing.
- B. By mailing a notice thereof to the Town Clerk-Treasurer, the Zoning Administrator, the Chairman of the Board of Zoning Appeals and each member of the Town Council, by Certified Mail, Return Receipt Requested.
- C. By giving personal notice at least five (5) business days prior to the appointed time of the scheduled public hearing to all owners of property within three hundred (300) feet of the lot, parcel or building in question. Such notice shall be given either by handing a copy thereof to the property owner or by leaving a copy thereof at the usual place of abode of said property owner if said owner occupies the property affected or is a resident of the Town. Also, notice may be given by sending written notice thereof by Certified Mail, Return Receipt requested, to the last known address of the property owner. The last known address shall be as shown by the most recent auditor's transfer list in Lake County.
- D. For all developmental technical variances, personal notice shall be as stipulated in Paragraph C but shall be limited to the owners of property adjacent to the lot, parcel, or building in question provided such adjacent owners are different than the owner of the subject property. If the owner of any of the adjacent property and subject property are the same then the notice requirements as described in Paragraph C shall apply.
- E. Whenever said owners are non-residents of the Town, such notice may be given by sending written notice by Certified Mail, Return Receipt requested, to the last known address of the property owner as shown on the most recent auditor's transfer list in Lake County.
- F. The notice herein required shall be in a form approved by the Commission or Board Attorney and shall state the location of the lot, parcel or building, the general nature of the petition, name of the person who is the applicant or petitioner, time and place of the hearing, and statement that interested parties may offer an oral opinion at the hearing or may file written remonstrances

concerning the matter to be heard.

- G. Adjacent property owners referenced in Paragraph D are defined as those owners of real property whose property adjoins, abuts, or in any manner lies next to the subject property, or is across any street from the subject property. The certified list of adjacent property owners must make reference to the above parameters.
- H. The required notice as referenced in the above Paragraphs A, B, C, D, E, & F, shall contain a layman's description of the location of the petition in addition to the required legal description.
- I. Prior to the commencement of the Public Hearing, the applicant or petitioner shall present evidence, in a form approved by the Commission or Board Attorney, as to compliance with the requirements of paragraphs A, B, C, D, E, and F, above. This evidence shall include, but not limited to, affidavits, proofs of publication and receipts of certified letters.

SECTION TWO: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, 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 ordinance 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 Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 24th DAY OF January, 1994.

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

Carl Brown
Carl Brown, President

Kenneth D. Sembala
Kenneth D. Sembala, Member

Douglas E. Patterson
Douglas E. Patterson, Member

ATTEST:

Judith A. Companik
Judith A. Companik, Clerk-Treasurer