

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1500

AN ORDINANCE AMENDING TOWN ZONING ORDINANCE NO.: 1483, BEING: "AN ORDINANCE REPLACING TOWN ORDINANCE NO. 839, AS AMENDED, REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH, AND ALL MATTERS RELATED HERETO.", AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the present text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, regarding development plan requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, as a result of its review, has advised the Plan Commission that it is necessary to revise or amend Town Zoning Ordinance No.: 1483, as amended from time to time, regarding development plan requirements to clarify procedures set forth therein; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, held a Public Hearing on the 2nd day of September, 2009, pursuant to published notice as required by applicable law, to consider the advisability and necessity of amending certain text provisions of the Town Zoning Ordinance No.: 1483, as amended from time to time, regarding development plan requirements; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has, at the conclusion of the public hearing held, certified a Favorable Recommendation to the Town Council of the Town of St. John, Lake County, Indiana, that Town Zoning Ordinance No.: 1483, as amended from time to time, requires modification and amendment of certain text provisions contained therein regarding development plan requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed said certain recommended text amendments to Town Zoning Ordinance No.: 1483, as amended from time to time, pertaining to development plan requirements, now concurs that it is advisable, appropriate and in the best interests of the residents and property owners of the Town of St. John that certain text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, be amended and modified pertaining to development plan requirements.

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

SECTION ONE: That Section C.1, entitled **Development Plan**, of Chapter 17, entitled **DEVELOPMENT PLAN REQUIREMENTS**, of Town Zoning Ordinance No. 1483, as amended from time to time, be, and the same is hereby replaced to read and provide as follows, namely:

CHAPTER 17 – DEVELOPMENT PLAN REQUIREMENTS

C.1 Development Plan

“a) Pre-Application Consultation with the Town Manager. Applicants shall meet with the Town Manager to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Town Manager shall aid and advise the applicant in preparing the application and supporting documents as necessary.

b) Application

i) Town Manager. The applicant shall submit to the Town Manager:

- (1) Two (2) copies of the written application form;
- (2) Two (2) copies of the Existing Conditions Plan;
- (3) Two (2) copies of the Development Plan; and
- (4) As well as two (2) copies of all necessary supporting documents and materials.

ii) Initial Review of the Application and Supporting Documents and Material.

(1) Town Manager. Following the receipt of the written application, Development Plan, and necessary supporting documents and/or materials, the Town Manager shall review the materials for the sole purpose of determining whether the application is complete and in technical compliance with all applicable ordinances, laws and regulations. If in compliance, the applicant shall submit eight (8) copies of the information submitted to the Town Manger for the Plan Commission review.

(2) Plan Commission. Following the receipt and technical compliance of the written application, Development Plan, and necessary supporting documents and/or materials, the Town Manager shall place the application on the agenda of the Plan Commission.

iii) Submittal to the Plan Commission

(1) If the materials submitted by the applicant are not complete or do not comply with the necessary legal requirements, the Town Manager shall inform the applicant of the deficiencies. Unless and until the Town Manager formally accepts the application as complete and in technical compliance, it shall not be considered formally filed for the purpose of proceeding to succeeding steps toward approval as hereinafter set forth.

(2) If the materials submitted by the applicant are determined to be complete and in compliance, the Town Manager shall forward the materials to the Plan Commission. Within thirty (30) days of the formal acceptance of the Development Plan application, the Town Manager shall formally file the application by:

- (a) Assigning a docket number; and

- (b) Placing it upon the agenda of the Plan Commission.
- c) Fees. Fees are set forth in the Town Schedule of Fees.
- d) Public Meeting Action by the Plan Commission. The Development Plan shall be reviewed and approved or disapproved at a public meeting of the Plan Commission.
- e) Review. The Plan Commission shall review a Development Plan to determine if the Development Plan:
 - i) Is consistent with the Comprehensive Plan; and
 - ii) Satisfies the development requirements specified in this Zoning Ordinance.
- f) Approval
 - i) In determining whether approval shall be granted, the Plan Commission shall consider generally if the Development Plan:
 - (1) Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the zoning District and with adjacent uses;
 - (2) Provides sufficient and well-designed access, parking and loading areas;
 - (3) Provides traffic control and street plan integration with existing and planned public streets and interior access roads;
 - (4) Provides adequately for sanitation, drainage, and public utilities; and
 - (5) Allocates adequate sites for all uses proposed, the design, character, grade, location and orientation thereof being appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan.
 - ii) In determining whether approval shall be granted, the Plan Commission may:
 - (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.
 - (2) Provide that approval of a Development Plan is conditioned on furnishing to the Plan Commission 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.
 - iii) Time Limit. An approved Development Plan shall be valid for two (2) years from the date of approval. Upon written application to the Town Manager before the expiration of said approval, and upon good cause shown, the Plan Commission may extend the approval for a period not to exceed six (6) months upon each request.

- iv) If the Development Plan is substantially or materially altered in any way, resubmission and approval by the Plan Commission is required.
- v) Findings-of-Fact. The Plan Commission shall make written findings concerning each decision to approve or disapprove a Development Plan.”

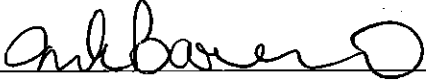
SECTION TWO: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

SECTION THREE: That 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, Lake County, Indiana, pursuant to applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 24th DAY OF September, 2009, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

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


MARK BARENIE, President

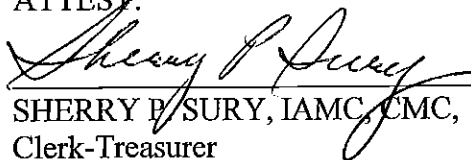

MICHAEL S. FORBES, Vice President


GREGORY J. VOLK, Member

JERRI A. TEIBEL, Member

MICHAEL S. FRYZEL, Member

ATTEST:


SHERRY P. SURY, IAMC, CMC,
Clerk-Treasurer