

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1711

**AN ORDINANCE ESTABLISHING A COMMUNITY GARDEN SYSTEM  
BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE  
COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.**

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana (hereinafter referred to as "Town Council"), has received a request from the Town Administrative Staff to establish a Community Garden System in the Town of St. John, Indiana; and

**WHEREAS**, the Town Council has been informed and advised that a Community Garden System within the Town of St. John, Indiana, would allow the growing of crops in local urbanized areas while minimizing negative impacts to adjacent properties and the community; and

**WHEREAS**, the Town Council has been informed and advised that a Community Garden System within the Town of St. John, Indiana, would encourage locally grown produce, promote healthy and nutritional food, and fill gaps in food accessibility for a community; and,

**WHEREAS**, the Town Council has been informed and advised that a Community Garden System within the Town of St. John, Indiana, would foster community development by providing opportunities for recreation, education/training, special events, social interaction, and economic potential; and,

**WHEREAS**, the Town Council has been informed and advised that a Community Garden System within the Town of St. John, Indiana, will provide green space in local urbanized areas to enhance community character and reduce the impact of pollutants and stormwater runoff; and

**WHEREAS**, the Indiana "Home Rule" Statute (I.C. §36-1-3, *et. seq.*) authorizes a Municipality to adopt an Ordinance or Resolution prescribing a specific manner of operating or policymaking by a city or town; and

**WHEREAS**, the Town Council being duly advised and having considered the request from Town Administrative Staff now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of St. John for the Town to establish a Community Garden System in the Town of St. John, Indiana.

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

**SECTION ONE: DEFINITION.**

That a "Community Garden" is defined as land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households, or for donation.

Community Gardens may be divided into separate plots for cultivation by individuals or used collectively by members of a group. A Community Garden may be a principal or accessory use of a site.

**SECTION TWO:** PERMITTED USES.

- (a) That Community Gardens are permitted by right in Conservation, Agricultural, Low Density Residential (R-1), Commercial and Industrial Zoning Districts; and permitted by Special Exception in Medium-High Density Residential Zoning Districts (R-2, R-3) subject to the requirements of this Section.
- (b) That Community Gardens may include the following uses: (1) The cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; (2) Greenhouses and similar structures for the growing of plants, (3) Open space for active and passive recreation including children's play areas, and/or (4) Sheds, gazebos, and pavilions, and similar structures as accessory uses.

**SECTION THREE:** SPECIFIC CRITERIA FOR COMMUNITY GARDENS.

That Community Gardens are subject to the following regulations:

- (a) Lot Size and Width – Community Gardens shall comply with the minimum lot size and width in the district in which it is located.
- (b) Setbacks – All structures must comply with the setbacks for accessory structures in the district in which it is located unless a more restrictive setback is required by this section.
- (c) Coverage – Lots used as Community Gardens must comply with the coverage requirements of the zoning district in which it is located.
- (d) Height – The height of structures shall be in conformance with accessory building height of the zoning district.
- (e) Operations
  - 1. The hours of operation shall be developed at the discretion of the governing body and protect neighbors from light, noise, disturbance or interruption.
  - 2. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
  - 3. The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
  - 4. All seed and fertilizer shall be stored in sealed, rodent-proof containers.
  - 5. Processing or storage of plants or plant products is prohibited on site.

**SECTION FOUR:** PERMITTING PROCESS FOR COMMUNITY GARDENS.

That Applicants proposing a Community Garden must submit a zoning permit application or land development plan (if required) identifying the following:

- (a) Location map and property address.
- (b) Name and contact information of person or organization.
- (c) All existing and proposed structures and buildings.
- (d) Location and height of proposed structures and buildings including sheds, containers, animal housing, coops, hives, compost facilities, landscaping and fencing.
- (e) Description of the proposed operation and activities; and retail sales (if permitted).
- (f) Distance between structures/activities and neighboring properties.
- (g) Driveways, access drives, parking areas, and loading areas.
- (h) Proposed operating dates/times.
- (i) Estimated number of separate plots to be cultivated by individuals.
- (j) Certify compliance with all applicable local, state, and federal regulations and permits.

**SECTION FIVE:** That a committee of three (3) to five (5) members, as appointed by the Town Council from time to time, shall be responsible for the operation, maintenance, and conduct of all of the permitted Community Gardens. Members of the committee shall serve at the pleasure of the Town Council, for a term as determined by the Town Council, and may be removed, at any time, for any reason and without cause. The committee shall be known as the Community Gardens Committee.

**SECTION SIX:** 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.

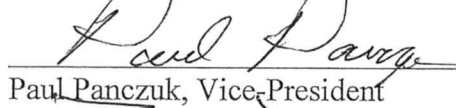
**SECTION SEVEN:** That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.


**SECTION EIGHT:** That this 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 St. John, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 26 DAY OF August,  
2020, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

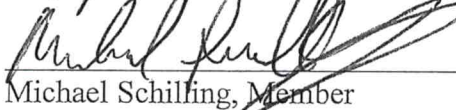
**TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, TOWN COUNCIL**

  
Gerald Swets, President

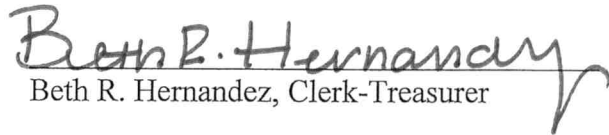
  
Paul Panczuk, Vice-President

  
Bryan Blazak, Member

  
Wayne Pondinas, Member

  
Michael Schilling, Member

ATTEST:

  
Beth R. Hernandez, Clerk-Treasurer