

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

**ORDINANCE NO. 1765**

**AN ORDINANCE CONCERNING AMENDMENT TO THE ORDINANCE NO. 1483, AS AMENDED, THE SAME BEING AN ORDINANCE CLASSIFYING, REGULATING AND RESTRICTING THE LOCATION, HEIGHTS, AREA, BULK AND USE OF BUILDINGS AND STRUCTURES AND THE USE OF LAND IN THE TOWN OF ST. JOHN, AND DIVIDING THE TOWN INTO DISTRICTS, FOR THE PURPOSE OF APPROVING A CHANGE IN THE ZONING DISTRICT AND A PUD DEVELOPMENT PLAN**

This is a Planned Unit Development District Ordinance (to be known as the "St. John Commons Mixed PUD Mixed Use District") to amend the Zoning Ordinance of the Town of St. John, Lake County, Indiana, enacted by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the Town of St. John, Lake County, Indiana (the "Town") has adopted Ordinance No. 1483, which Ordinance establishing the comprehensive zoning regulations for the Town (the "Zoning Ordinance"); and

**WHEREAS**, St. John Commons, LLC, as the owner of the parcel of land hereinafter described in attached Appendix A (the "Real Estate") did submit a PUD Development Plan and Application for Change of Zone District Classification (Application No. 2021-25) to the Plan Commission of the Town of St. John, Lake County, Indiana, (the "Plan Commission") for the rezoning of such parcel from R-1 to PUD (Planned Unit Development District); and

**WHEREAS**, the Plan Commission considered said PUD Development Plan and Application for Change of Zone District Classification and did on the 1st day of December, 2021, hold a public hearing pursuant to notice as prescribed by law on such petition and other matters pertaining thereto; and

**WHEREAS**, the Plan Commission has: (1) reviewed the PUD Development Plan, a copy of which is attached hereto, made a part hereof, and marked as Exhibit B; (2) made special Findings of Fact as required by Chapter 9 of the St. John Zoning Ordinance, a copy of which is attached hereto, made a part hereof, and marked as Exhibit C; and (3) certified a favorable recommendation to the Town Council of the Town of St. John that said PUD Development Plan be approved and the application for rezoning be granted, subject to those conditions and restrictions set forth in said Findings of Fact and the PUD Development Plan; and

**WHEREAS**, the Plan Commission of the Town of St. John, Lake County, Indiana, in accordance with Indiana Code §36-7-4-608, as required by Indiana Code §36-7-4-1505, has favorably recommended that Town Ordinance No. 1483, as amended, be further amended and modified to change the zone maps and rezone the Real Estate from R-1 to PUD (Planned Unit Development District); and

**WHEREAS**, the Town Council is subject to the provisions of Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on said PUD Development Plan and Application for Change of Zone District Classification; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of St. John, Lake County, Indiana, as follows:

**Section 1. Applicability of Ordinance.**

1.1 The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "St. John Commons PUD Mixed Use District" (the "District").

1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its Exhibits, and (ii) the provisions of the Zoning Ordinance, as amended, as made applicable to a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Zoning Ordinance.

1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

2.1 **Dominant Exterior Material.** The Exterior Material that occupies the most surface area (compared to other Exterior Materials) of a Front Building Facade, exclusive of doors, windows and garage doors. The Dominant Exterior Material shall be identified on the elevations filed as part of an application for an improvement location permit.

2.2 **Exterior Material.** The separate architectural siding materials and patterns on a Front Building Facade such as Masonry Materials, horizontal siding, shake siding, vertical siding, and board & batten siding (each of the foregoing are examples of separate Exterior Materials) .

**Section 3. PUD Development Plan.** The PUD Development Plan, attached hereto as Exhibit B, is hereby incorporated in accordance with Chapter 9 of the Zoning Ordinance. The Real Estate shall be developed in substantial compliance with the PUD Development Plan.

**Section 4. Permitted Uses.** The residential and commercial uses allowed in accordance with Chapter 9 of the Zoning Ordinance, and as set forth in the PUD Development Plan, shall be permitted.

**Section 5. General Regulations.** The standards of Chapter 9 of the Zoning Ordinance shall apply to the development of the District, except as otherwise modified herein.

**Section 6. Development Standards.** The standards of Chapter 9, Section D of the Zoning Ordinance, entitled “Residential Standards,” and the standards of Chapter 9, Section E of the Zoning Ordinance, entitled “Commercial Standards,” shall apply to the development of the District, except as otherwise modified below.

**Section 7. Design and Architectural Standards.** The design and architectural standards set forth in the PUD Development Plan, as set forth in attached Exhibit B, shall apply to the development of the District.

**Section 8. Landscaping Standards.** The Landscaping Requirements and Standards set forth in Chapter 13 of the Zoning Ordinance shall apply, except as otherwise modified or enhanced by the PUD Development Plan.

**Section 9. Infrastructure Standards.** The PUD District's infrastructure shall comply with the Zoning Ordinance and the Town’s Subdivision Control Ordinance, unless otherwise approved by the Plan Commission or Department of Public Works in consideration of the preservation of the natural topography and environment and inconsideration to the unique design intent of the District.

**Section 10. Lighting Standards.** The lighting standards set forth in Chapter 14 of the Zoning Ordinance shall apply to the development of the PUD District, except as otherwise modified or enhanced by the PUD Development Plan.

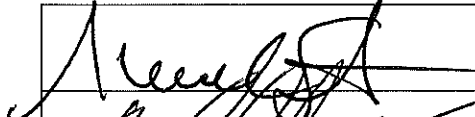
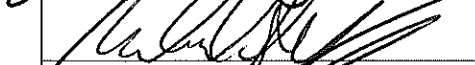
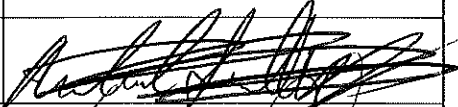

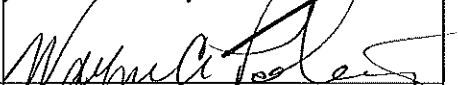

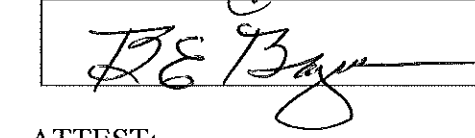
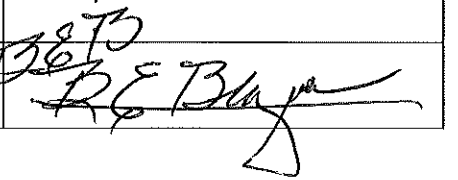
**Section 11. Additional Standards.** The following additional standards shall apply to the PUD Development District.

ALL OF WHICH IS ORDAINED by the Town Council of the Town of St. John,  
Indiana, this 11 day of May, 2022.

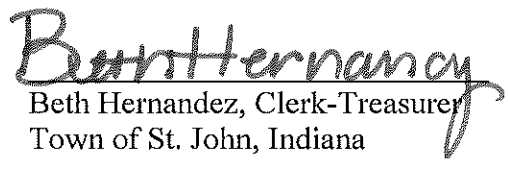
**TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA**

**AYE**

**NAY**

|   |                                      |  |
|---|--------------------------------------|--|
|  | Gerald Swets,<br>President           |  |
|  | Michael Schilling,<br>Vice President | <del></del> MS |
|  | Wayne Pondinas,<br>Member            |                |
|  | Michael Aurelio,<br>Member           |  |
|  | Bryan Blazak,<br>Member              |                |

ATTEST:

  
Beth Hernandez, Clerk-Treasurer  
Town of St. John, Indiana

**Exhibit A – LEGAL DESCRIPTION**

**The South 20 acres of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, Township 34 North, Range 9, West of the Second Principal Meridian in Lake County, Indiana.**

## **EXHIBIT B**

### **DESIGN STANDARDS – ST. JOHN COMMONS PUD MIXED USE DISTRICT**

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#### **Appendices:**

- A. St. John Commons ALTA Survey & Legal Descriptions**
- B. Concept & Character Plan**
- C. Development Plan**
- D. Villas Association Covenants & Restrictions**
- E. Lifestyle Association Covenants & Restrictions**
- F. St. John Commons Association Covenants & Restrictions**
- G. St. John Commons, Common Area**

## I. DEFINITIONS

**Section 1.01. "Added Property"** shall mean any real estate added to the terms of these Restrictive Covenants pursuant to the procedures set forth in Section (\_\_\_\_).

**Section 1.02. "Annexed Property"** shall mean any portion of the Development Area submitted to the provisions of this Declaration in accordance with Section (\_\_\_\_) hereof.

**Section 1.03. "Assessments"** shall mean Assessments either applied by specified Associations hereto (Life Style Condominiums at St. John Commons or Villas at St. John Commons) or by the Declarant for maintenance and improvements of the St. John Commons, Common Areas (Covenants attached as **Appendix F**).

The Assessments for the care and maintenance of the St. John Commons, Common Areas, shall be apportioned thirty percent (30%) to the Villas at St. John Commons, thirty percent (30%) to the Lifestyle Condominiums at St. John Commons, and forty percent (40%) to the commercial development located within St. John Commons.

**Section 1.04. "Villas Association"** shall mean and refer to Villas at St. John Commons, Inc., an Indiana corporation, and its successors and assigns. The "Board of Directors" or "Board" shall be the elected body having its normal meaning under Indiana law. The Association shall be organized and governed in accordance with the Articles of Incorporation, By-Laws and Rules and Regulations, attached hereto in **Appendix D**.

**Section 1.05. "Lifestyle Association"** shall mean and refer to Lifestyle Condominiums at St. John Commons, Inc., an Indiana corporation, and its successors and assigns. The "Board of Directors" or "Board" shall be the elected body having its normal meaning under Indiana law. The Association shall be organized and governed in accordance with the Articles of Incorporation, By-Laws and Rules and Regulations, attached hereto in **Appendix E**.

**Section 1.06. "Contractor"** shall mean any individual, entity, business or corporation which performs work, repairs, or construction on any lot, property, or unit located within the PUD.

**Section 1.07. "Common Areas"** shall mean those areas designed within the Villas Association and Lifestyle Association documents, for those particular Associations.

**Section 1.08. "Common Expenses"** shall mean and include the actual and estimated expenses of operating the Lifestyle Association and Villas Association and St. John Commons, including any reasonable reserve, all as may be found to be appropriate by their Boards pursuant to their Declarations, the By-Laws, and the Articles of Incorporation of the Associations.

**Section 1.09. "Concept Plan"** shall mean the Concept Plan, attached hereto as **Appendix B**, is hereby incorporated and the Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 1.10. "Declarant"** shall mean St. John Commons, LLC an Indiana domestic for-profit limited liability corporation, its successors and assigns. Any such successor or assignee shall be deemed a Declarant and entitled to exercise all or any rights of Declarant as provided in Article XVII hereof.

**Section 1.11. "Developer"** shall mean and refer to St. John Commons, LLC, an Indiana domestic limited liability company, and its successors and assigns.

**Section 1.12. "Development Area"** shall mean the real estate described on **Appendix A** hereto with all improvements thereon and any additional real estate, provided only that (a) any portion of the real estate from time to time added to the scheme of this Declaration shall be contiguous to property then subject to the scheme of this Declaration, (b) any portion of such real estate shall, at the time of addition to the scheme of this Declaration, be platted as residential lots, (c) said plat of added real estate shall dedicate, or commit to dedicate, the Common Area of said owners of the property therein shall be and become subject to this Declaration, and shall have all privileges and obligations set forth in this Declaration, including assessment by the Association.

**Section 1.13. "Insurance Trustee"** shall mean the Association and its successors, unless the Association shall have appointed another entity as Insurance Trustee pursuant to Section 6.06 hereof.

**Section 1.14. "Limited Common Area"** shall mean the common space areas designated by the Villas Association and Lifestyle Association which are for use by individual owners only.

**Section 1.15. "Lot"** shall mean a part of the Submitted Parcel, the size and dimensions of which are shown on the Plat.

**Section 1.16. "Member"** shall mean and refer to a person or entity entitled to Membership in the Association, as provided herein.

**Section 1.17. "Mortgage"** shall include a deed of trust, as well as a mortgage.

**Section 1.18. "Mortgagee"** shall include a beneficiary or holder of a deed or trust, as well as a mortgagee.

**Section 1.19. "Mortgagor"** shall include the trustor of a deed of trust, as well as a mortgagor.

**Section 1.20 "Municipality"** shall mean the Town of St. John, County of Lake, or State of Indiana, whichever shall apply.



**Section 1.21. "Occupant"** shall mean and refer to one or more Persons or entities which may at any time be entitled to the use and possession of a Residential Unit, or any part thereof, by leave, license, contract or any other means, whether or not lawful, and shall include, without limitation, Owners, tenants, subtenants, and their guests and invitees.

**Section 1.22. "Owner"** shall mean and refer to one or more persons or entities who hold the record title to any Residential Unit or Commercial Unit which is part of the Submitted Parcel, but excluding in all cases any party holding an interest merely as security for the performance of an obligation. If a Unit is sold under a recorded contract of sale, the purchaser (rather than the fee owner) will be considered the Owner.

**Section 1.23. "Parcel"** shall mean a part of a Lot, fee simple title shall be conveyed by deed of the Declarant to each Owner, upon which an attached, single-family villa is located or to be located.

**Section 1.24. "Person"** means a natural person, a corporation, a partnership, trustee or other legal entity.

**Section 1.25. "Plat"** shall mean plat the St. John Commons Planned Unit Development, recorded in Plat Book \_\_\_\_, page \_\_\_\_\_, in the Office of the Recorder of Lake County, Indiana.

**Section 1.26. "Residential Unit"** shall mean one of the Parcels and the attached, single-family villa located thereon, which is a part of the Submitted Parcel intended for independent ownership for use and occupancy as a single-family residence. The boundaries of Residential Units shall be the boundary lines of the Parcels of the Submitted Parcel conveyed by Declarant to the Owners. For the purposes of this Declaration, a Residential Unit shall come into existence when substantially complete or upon the issuance of a certificate of occupancy by the appropriate agency of the Town of St. John, Indiana, or other local governmental entity.

**Section 1.27 "St. John Commons, Common Area"** shall mean the designated Common Area shared by all property subject to the St. John Commons Planned Unit Development, as further depicted in **Appendix G**.

**Section 1.28. "Structure"** shall mean any building, pool, driveway, breezeway, pond, kennel, playhouse, trampoline, barn or any other building or fixture that is permanent that is not defined as a residential unit as described herein.

**Section 1.29. "Supplemental Amendment"** shall mean a supplement to this Declaration to submit Added Property to this Declaration. Such Supplemental Amendment may, but is not required to impose, expressly or by reference, additional restrictions and obligations on the Added Property submitted by that Supplemental Amendment to the provisions of this Declaration.

**Section 1.30 "Trails" or "Greenspace"** shall mean the designated recreational facility area, owned by the St. John Commons, which shall be maintained prairie/green recreational space, including a recreational bike trail, for the dedicated use of all Owners and the public, for the

purpose of relieving pedestrian travel from local streets and will be available for attachment to and use by other development within the area.

## **II. USE AND BULK REGULATIONS IN THIS PLANNED UNIT DEVELOPMENT**

2.1 **Landscape Plan:** Landscape shall be performed in accordance with Article XII of St. John, Indiana Code, unless otherwise enunciated within this PUD.

2.2 **Signage:** Signage shall be created and installed in accordance with Article XIV of St. John, Indiana Code, unless otherwise enunciated within this PUD.

2.3 **Lighting Plan:** Lighting shall be created and installed in accordance with Article XIII of St. John, Indiana Code, unless otherwise enunciated within this PUD.

## **III. PURPOSE OF DECLARATION AND PROPERTY SUBJECTED TO DECLARATION.**

3.1 To develop and construct quality mixed used commercial development, combining commercial development with condominium and single family villa living, for individuals and families and businesses who seek actively to work and live in growth areas with employment opportunities in close proximity to trails and business development.

(a) The Declarant desires to provide upon the Property, through its planning and layout, the harmonious development of a residential and commercial mixed use development community, by the imposition of Covenants, restrictions, and easements as hereinafter set forth for the benefit of the Property, Owners, and the Municipality.

(b) By the recording of covenants, conditions and restrictions set forth herein, and the reservation of certain powers contained herein, Declarant intends to provide a plan for the development of Property which is intended to enhance and protect the values of the residential community.

(c) The Declarant desires to (i) prevent improper use of Property which may decrease value; (ii) prevent improper construction of structures/homes containing improper or unsuitable materials; (iii) ensure adequate and reasonable development of the Property; (iv) ensure uniform development of the Property and high design standards; and (v) provide for the highest quality environment for the Property, its owners and visitors.

(d) The Declarant desires to provide for the maintenance of the Common Areas (both Association Common Areas and St. John Commons, Common Areas) to be provided for as set forth herein.

## **IV. PERMITTED USES.**

The following listed uses are permitted within said PUD District, provided the use does not violate any performance standards listed in the following or related sections. These allotted spaces are outlined and notated as follows:

- (a) St. Johns Commons: Allowed business uses shall be those outlined in following:

| <b>Category</b>  | <b>P – Permitted<br/>SE – Special Exception from St. John Building<br/>and Zoning required</b> |
|--|--|
| <b>Professional Office Uses</b>  |  |
| Offices (professional and otherwise)   | <b>P</b>   |
| <b>Medical Office Uses</b>   |  |
| Offices for medical treatment (general family, dentistry, orthopedic, cosmetic, physical therapy or rehabilitation, dermatology, dialysis, cardiac, psychology, neurology, etc.) | <b>P</b>   |
| Drug rehabilitation  | <b>SE</b>  |
| <b>Institutional Uses</b>  |  |
| Churches/Places of worship   | <b>P</b>   |
| Municipal Facilities   | <b>P</b>   |
| Community Centers  | <b>P</b>   |
| Libraries  | <b>P</b>   |
| Animal Hospitals (care term facility only -- not for kennel use)   | <b>P</b>   |
| <b>Educational Uses</b>  |  |
| Schools  | <b>P</b>   |
| Higher Education (Post High School – Commercial or Trade)  | <b>P</b>   |
| <b>Retail / Service Uses</b>   |  |
| Automobile Service Station/Repair  | <b>SE</b>  |
| Drive In Restaurant  | <b>P</b>   |
| Sit Down/Quick Service Restaurant (includes ability to host outdoor dining/seating with approval of St. John Building Department)  | <b>P</b>   |
| Financial Institutions, with/without drive up  | <b>P</b>   |
| Laundromats  | <b>P</b>   |
| Personal Service Use   | <b>P</b>   |
| Trade Show Rooms (Plumbing, lighting, contractor etc.)   | <b>P</b>   |
| Retail Store   | <b>P</b>   |
| Liquor Store   | <b>P</b>   |
| Day Spa  | <b>P</b>   |
| Tobacco Store  | <b>Prohibited</b>  |
| Day Care   | <b>P</b>   |
| Art Galleries  | <b>P</b>   |
| Bakeries   | <b>P</b>   |
| Banks/Financial  | <b>P</b>   |
| Barber/beauty  | <b>P</b>   |
| Book Stores  | <b>P</b>   |
| Computer Sales/Service   | <b>P</b>   |
| Communication Sales/Service  | <b>P</b>   |
| Custom Clothing/Apparel  | <b>P</b>   |
| Department Stores  | <b>P</b>   |

|  |                   |
|--|-------------------|
| Taverns/Bars (no more than two shall be allowed, any additional shall require St. John Board of Zoning Approval) | <b>P</b>          |
| Hotels/Motels  | <b>Prohibited</b> |
| Public Museum  | <b>P</b>          |
| Restaurants/Catering   | <b>P</b>          |
| <b>Agricultural Use</b>  |                   |
| Community Gardens  | <b>P</b>          |
| <b>Recreational Use</b>  |                   |
| Pathways, parks, playground  | <b>P</b>          |
| <b>Transportation and Communications Uses</b>  |                   |
| Parking Lots – Automobile  | <b>P</b>          |
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**Encouraged Uses:** Exterior, temporary sidewalk usage for restaurants, coffee shops, and eating venues is encouraged. Similarly, boutique shops, bookstores, etc., shall also not be prohibited from providing exterior sidewalk sale service.

**Prohibited Uses:**

1. Any use which emits an obnoxious odor, fumes, or sound which can be heard or smelled outside of any building in the St. John Commons Area.
2. Any operation which is used primarily as warehouse operation, manufacturing, refining, smelting, agricultural, industrial or mining.
3. Pawnshop, flea market, salvage store or auction house.
4. Mortuary or Funeral Home
5. Adult Use establishments as understood by Town Code
6. Tattoo parlor/piercings operated as a primary business.
7. Tobacco Shops.
8. Vape Shops.
9. Automotive sales or retail.
10. Storage Facilities.

(b) Lifestyle Condominiums  
Up to 10 single family condominium units located above commercial locations.

(c) Single Family Villas – Up to 15 single family residential villas.

(d) St. John Commons, Common Areas (Green Space and Bike Path), for recreational use.

**V. LIMITATIONS OF USE:**

Permitted uses in the three areas outlined below are subject to the following additional limitations:

- (a) St. John Commons: See Section IV
- (b) Lifestyle Condominiums: Limitations of use are outlined the Lifestyle Condominiums Association Declarations and Covenants, incorporated hereto.
- (c) Single Family Villas: Limitations of use are outlined in the Villas Association Declaration and Covenants, incorporated hereto.

**VI. LOT SIZES:**

- (a) St. John Commons: All lot sizes shall be as per the subdivision plat
- (b) Lifestyle Condominiums: All condominium sizes shall be as per the subdivision plat.
- (c) Single Family Villas: All single family villa lot sizes shall be as per the subdivision plat, which shall include sixty foot (60) lot widths at the building setback line (front).

**VII. MINIMUM RESIDENTIAL FLOOR AREA:**

- (a) St. John Commons: Not applicable
- (b) Lifestyle Condominiums: Minimum square footage residential floor area shall be: One Thousand Seven Hundred and Ninety Nine Square Feet (1,799 sq. feet).
- (c) Single Family Villas: Minimum square footage residential floor area shall be: One Thousand Three Hundred Square Feet (1,300 sq. feet).

**VIII. MINIMUM FRONT YARD:**

- (a) St. John Commons: Not applicable
- (b) Lifestyle Condominiums: Not applicable

- (c) Single Family Villas: All front yard lot sizes areas as per subdivision plat, front yard set back to be twenty five (25) feet.

**IX. MINIMUM SIDE YARD:**

- (a) St. John Commons: Not applicable
- (b) Lifestyle Condominiums: Not applicable
- (c) Single Family Villas: All side yard lot sizes areas as per subdivision plat, side yard set back to be seven (7) feet.

**X. MINIMUM REAR YARD**

- (a) St. John Commons: Not applicable
- (b) Lifestyle Condominiums: Not applicable
- (c) Single Family Villas: All rear yard lot sizes areas as per subdivision plat, rear yard set back to be twenty (20) feet.

**XI. HEIGHT STANDARDS**

- (a) St. John Commons: All St. John Commons buildings to be under twenty two (22) feet in height.
- (b) Lifestyle Condominiums: All condominium heights to be under approximately forty (40) feet in height.
- (c) Single Family Villas: All single family villa height to be under thirty five (35) feet in height.

**XII. DESIGN & DEVELOPMENT STANDARDS**

Minimum design standards for the St. John Commons Planned Unit Development shall meet all design standard requirements of the Town of St. John, or as otherwise listed below, to foster the maintenance of an attractive, healthful, efficient and stable mixed use residential and commercial environment. The Character of St. John Commons, attached hereto as **Appendix B and C**, is hereby incorporated to capture the intended architecture of the development, but is not intended to limit the architecture as shown in the Character Appendix, but rather to establish a benchmark for quality, vision, and appearance of the architecture within the development

- (a) **St. John Commons:** The following Design Standards shall apply to Commercial Development:
- a. **Building Materials/Structure**
    - i. **Exteriors: Permitted exterior building materials are as follows:**
      - 1. One Hundred Percent (100%) masonry material, which may include brick front, block rear, cut limestone, stucco, and EIF and monument sign/ornamental brick/metal.
  - b. **Parking**
    - i. There will exist approximately 37,000 square feet of commercial development within the St. John Commons, serviced by a minimum of 180 parking spaces.
  - c. **Infrastructure**
    - i. Streets for vehicular access.
      - 1. Interior streets shall be privately maintained, including repair and accessible from debris and natural elements
      - 2. Shall be a minimum of twenty four feet wide
    - ii. Sidewalks:
      - 1. Shall be constructed pursuant to site plans attached hereto as Appendix B and C. Sidewalks shall maintain a width of no less than eight (shall range between eight and fifteen) feet.
    - iii. Curbs/Concrete Roll Design: shall be installed along all roads and parking lots to comply with St. John standards.
    - iv. Street Lights:
      - 1. Shall be privately maintained at each road intersection and cul-de-sac.
      - 2. Lighting in the development area shall comply with a Photometric plan as further outlined herein (Appendix C). (Villas lighting is unique to the development per the PUD Development Plan/Details)
    - v. Street names shall be proposed and recommended and approved by the St. John Plan Commission
    - vi. Public and Private Utilities: shall include a thirty foot (30') easement unless identified.
    - vii. Fire Hydrants, shall be installed and maintained:
      - 1. One every three hundred linear feet along interior access roads.
  - d. **Bike Trail:**
    - i. Shall be located as proposed on Appendix G. This recreational facility shall be made available for attachment and use by other development in the area and adjacent thereto, including the public.

- (b) Lifestyle Condominiums: See attached Covenants and Declarations, terms incorporated herein.
- (c) Single Family Villas: See attached Covenants and Declarations, terms incorporated herein.
  - i. Building Materials: Brick or cultured stone for front, sides and rear to be LP siding.
  - ii. Streets for vehicular access.
    - 1. Interior streets shall be publicly maintained
    - 2. Shall be a minimum of twenty four feet wide
  - iii. Sidewalks:
    - 1. Shall be constructed pursuant to site plans attached hereto as Appendix C. Sidewalks shall maintain a width of five feet. No sidewalk shall be required to maintained on the island within the Single Family Villas development.
  - iv. Curbs/Concrete Roll Design: shall be installed along all roads and parking lots to comply with St. John standards.
  - v. Street Lights:
    - 1. Street lights located within the Villas Development shall be approved lamps, located on each Villa location per PUD Development Plan (See Appendix C).
  - vi. Street names shall be proposed and recommended and approved by the St. John Plan Commission
  - vii. Public and Private Utilities: shall include a thirty foot (30') easement unless identified.
  - viii. Fire Hydrants, shall be installed and maintained:
    - 1. One every three hundred linear feet along interior access roads.
  - ix. Island: Island located within the Single Family Villas development shall be owned and maintained by the Villas Association.

### **XIII. SIGNAGE**

**Signage:** All signs located within the Development shall be regulated by St. John Ordinance and conform to the following standards and as further outlined in Appendix B and C.

- a) Prohibited signs:
  - a. Signs that extend above highest point of roofline
  - b. Billboards
  - c. Signs painted or mounted on exterior or rear wall of any principal building unless otherwise identified in following
  - d. Signs which contain blinking, pulsating, flashing or moving light
  - e. Neon lighting signs



- b) Traffic control signs, including street signs, stop signs, parking signs, directional signs and other traffic control signs used to implement public safety and wayfinding shall be of ornamental style and design complementing the overall theme of the Development.
- c) No sign shall be located to block or obstruct the vision of motor vehicle drivers for safe travel through parking areas and through streets.
- d) All signs located on the main entry door or adjacent thereto the main entry door identifying the business name, hours of operation and address shall not exceed 6 square feet in total area.
- e) Each business within multi tenant buildings will be permitted one principal sign. Such signs may be wall mounted with a total area calculated as 80% of the total building frontage width (for example – a 60 foot building may be allowed maximum sign area of 48 square feet). Signs affixed to exterior of building shall be architecturally compatible with the style, composition, materials, colors, and details of the building. Box Panel signs shall not be permitted on any building.
- f) In cases where businesses have rear or side parking lots additional signs notating parking and location of business shall be permitted.
- g) No sign shall be constructed or installed without review of the Developer and proper permits and approvals granted by the Town of St. John.
- h) Signage attached to Commercial Units shall carry an information face and shall consist of metal or other material with backlighting. No vinyl or plastic strip signs shall be allowed.
- i) Two monument signs shall be permitted at the entrance way of the Development, with a total of five (5) monument signs located in the Development, as per PUD Development Plans.

### **XIII. LANDSCAPE DESIGN & MAINTENANCE STANDARDS**

The minimum landscape standards for the St. John Commons PUD (for the Villas Association, Lifestyle Association, and St. John Commons) shall meet the Town of St. John Landscape Requirements (Article XII), and include the following and as shown on the PUD Development Plans:

- (a) General Design Standards: Landscaping shall be as generally depicted on Appendix C.
- (b) Street Trees: Appendix C
- (c) Villas Lot Landscaping: Appendix C
- (d) St. John Commons Landscaping: Appendix C
- (e) St. John Commons Green Space Landscaping: Appendix C
- (f) Maintenance Standards: The following shall be and is expected in the involved Association Declarations and Covenants for the Real Estate:
  - a. All landscape areas, including green spaces (lawns) shall be subject to a required landscape maintenance program, including seasonal mulching, edging, fertilization, mowing and trimming, weeding, pruning and clean up.
  - b. All lots, whether residential or commercial, shall be subject to a required snow removal program for driveways and sidewalks and store frontage.

### **XV. INFRASTRUCTURE ELEMENTS**

The District's infrastructure shall comply with the Zoning Ordinance and the Town's Subdivision Control Ordinance, unless otherwise approved by the Plan Commission or Department of Public Works in consideration of the preservation of the natural topography and environment and in consideration to the unique design and intent of the District.

## **XVI. STORMWATER**

Minimum Storm Water Standards for the St. John Commons PUD shall meet the Town of St. John standards as reasonably required from the Building Department and Plan Commission. This shall include the following:

- (a) The storm water collection system shall be designed following the St. John Storm Water Ordinance and sized to convey the 10 year, 24 hour storm event.
- (b) The on-site storm water collection system shall be designed to respect the natural drainage patterns of the site and related properties. Inlets, catch basins, and manholes shall be generally located to collect storm water along specified areas of the property to enable the grading plan of the development.
- (c) Locations of Inlets, Catch Basins and Manholes will be positioned to avoid main pedestrian walk routes, trash enclosures and main building entrances.
- (d) Storm Sewer collection system piping shall be made of either Reinforced Concrete Pipe (RCP), Poly Vinyl Chloride (PVC), or High Density Poly Ethylene (HDPE).
- (e) Building roof drains and footing drains may be connected to underground storm sewer system piping to minimize overland runoff to outlets.
- (f) Maintaining a detention pond as located on the St. John Commons map (Appendix G) which may be treated as necessary to provide an aesthetic and recreational amenity to the Development. This detention pond may also serve to accommodate future stormwater tributary source from immediate adjacent commercial development in the area, provided engineer review of sufficient capacity and Town of St. John approval, which shall not be unreasonably withheld.
- (g) Onsite storm water holding facility with a Best Management Practice (BMP) outfall approved by the Town of St. John.

## **XVII. REFUSE & RECYCLING DISPOSAL SERVICE**

Refuse and recycling disposal service for the St. John Commons PUD shall be scheduled during times that do not conflict with normal hours of operation for the majority of businesses within the Development.

- (a) Single family villas shall maintain disposal waste receptacles within enclosed structures to be placed out on day of service only.
- (b) Multi story condominium buildings shall have their disposal waste receptacles located in an enclosed, exterior area, constructed of similar materials as to the remainder of the condominium/commercial development. Doors/gates to this area shall remain closed unless when being picked up (Locations depicted in Appendix B and C).

- (c) Commercial locations shall maintain their disposal waste receptacles within enclosed exterior structures, constructed of similar materials as to the remainder of the commercial development. Doors/gates to this area shall remain closed unless when being picked up.
- (d) So as to limit the traffic, weight and wear and tear of refuse disposal service trucks, a single provider shall be identified by the Declarant to service all Owners and Users. The location of trash and recycling structures will be positioned so that they can be readily accessed and not conflict with usage of the Development.

**XVIII. HOMEOWNER ASSOCIATIONS**

There shall be created a minimum of two Associations, one governing the Villas and the other the Condominiums, which shall effectuate the management and control of those areas. The remainder St. John Commons, Common Areas, shall be under the direction and control of the Declarant or under Covenants and Restrictions recorded regarding same (See Appendix F).

**XIX. EASEMENTS**

Easements for public and related utilities shall be preserved as outlined according to the areas designated by Zoning Ordinance and the Town’s Subdivision Control Ordinance and as further outlined in Appendix B and C.

**XX. UTILITY SERVICE**

All development within the St. John Commons shall be serviced with Public Utilities from the Town of St. John. Specifically, the development will be provided with the following utilities and associated utility service providers:

| <b>Utility Type</b> | <b>Utility Service Company</b>       |
|---------------------|--------------------------------------|
| Sanitary Sewer      | Town of St. John Sewer Utility       |
| Storm Water         | Town of St. John Storm Water Utility |
| Water               | Town of St. John Water Utility       |
| Electric            | NIPSCO                               |
| Gas                 | NIPSCO                               |
| Communication       | TBD                                  |
| Communication       | TBD                                  |

- (a) **Sanitary Sewer Service** for the commercial development on the west side shall be serviced by connecting to an existing Sanitary Sewer Service provided by St. John.
  - a. All Sanitary Sewer Service shall be platted in public utility easements and be dedicated to the Town of St. John’s Sewer Utility for ownership and maintenance. All public utility easements shall be a minimum of twelve feet in width and shall be in located that provide the Utility immediate access for maintenance. All Sanitary Sewer Service shall meet St. John Sewer Utility specifications
  - b. All Sanitary Sewer Service connecting buildings to the Sanitary Sewer Lines shall be owned and maintained by the ownership entity of the building that it serves. The Sanitary Sewer Service Lines shall meet the St. John Sewer Utility specifications.

- (b) **Water Service** for domestic and fire service for the Development area will be provided by connecting to the Town of St. John Water Utility Lines.
- a. All Water Main lines shall be platted in public utility easements and be dedicated to the Town of St. John Water Utility for ownership and maintenance. All public utility easements shall be a minimum of twelve feet in width and be in locations that the Utility will have immediate access to for maintenance. All water mains shall be constructed in accordance with Town of St. John Water Utility standards and in accordance with St. John Water Utility standard specifications.
  - b. Fire Hydrants shall be spaced and located in accordance with Town Ordinance and with the approval of the St. John Fire Department.
  - c. Water Service Lines connecting buildings to the Water Main Lines shall be owned and maintained by the ownership entity of the building that it serves. The water service lines shall meet specifications defined in the St. John Water Utility Use Ordinance.
- (c) **Electric and Gas Service** shall be provided by NIPSCO and coordinated with said Company or its assignee.
- (d) **Communication Lines** – room for communication shall be maintained in general easement areas and coordinated with communication companies at the discretion of involved owners or tenants.

## **XXI. LIGHTING**

Site lighting shall be decorative in nature and consistent with the architectural design standards of buildings within the development. All site lighting within the St. John Commons shall adhere to the following requirements for illumination of parking areas, pedestrian walkways and roadways. All site lighting shall comply with involved depictions, as found in Appendix C, or as otherwise described herein.

### **Common Requirements:**

- a) All exterior lighting shall be designed and constructed to direct light away from adjacent properties.
- b) All exterior lighting shall be arranged and designed with a common light fixture type and with a variety of heights based upon system use. Vehicle and pedestrian lights shall illuminate directly below or inboard of the property such that the point source of the light is not directed viewed by pedestrian or vehicle traffic in adjacent public right of ways.
- c) Parking areas shall be adequately lighted for the safety of pedestrian and vehicle movements.
- d) Decorative wall mounted or ground mounted lighting may be used on building fronts visible to street or parking areas to illuminate buildings and architectural features.