

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1795

AN ORDINANCE AMENDING THE TOWN OF ST. JOHN SUBDIVISION CONTROL ORDINANCE NO. 1707, AS AMENDED, AND ESTABLISHING THE TOWN OF ST. JOHN SIDEWALK, CURB AND GUTTER INSTALLATION FUND

WHEREAS, the Plan Commission for the Town of St. John has reviewed the need for certain amendments to the Town of St. John Subdivision Control Ordinance, as most recently amended and restated as Ordinance No. 1707, dated July 22, 2020, to provide for uniform procedures to allow individuals, corporations, companies and other persons seeking primary approval of a plat of subdivision or amendment to an existing plat of subdivision, to be allowed, in certain extraordinary circumstances as determined by the St. John Plan Commission, to make a payment in lieu of installation of sidewalks, curbs and/or gutters otherwise required to be installed by the terms of the Subdivision Control Ordinance when such installation is not possible or deemed illogical by the Plan Commission, with such payment to be computed on the basis of the current average cost per square foot of such sidewalk, curb and/or gutter; and

WHEREAS, the Plan Commission held a public hearing on the 1 day of March, 2023, to consider the advisability and necessity of amending the subdivision control regulations of the Town of St. John; and

WHEREAS, the Plan Commission, after public hearing to consider the advisability and necessity of amending the Subdivision Control Ordinance of the Town of St. John, has certified the proposed amendments and made a favorable recommendation for the adoption of said amendments to the Town Council pursuant to Indiana Code §36-7-4-701; and

WHEREAS, the Town Council has reviewed the favorable recommendation of the Plan Commission and has further reviewed the advisability and necessity of amending the terms and provisions of the Subdivision Control Ordinance of the Town of St. John, and has determined that pursuant to Indiana Code §36-7-4-607(e), as made applicable by Indiana Code §36-7-4-701(b), said proposed amendments, as certified by the Plan Commission, are in the best interest of the residents of the Town of St. John and will foster the public health, safety, convenience, and general welfare of said residents; and

WHEREAS, the Town Council has reviewed the need for the establishment of a town fund to allow the Town to receive payments made in lieu of installation of sidewalks, curbs and/or gutters, in accordance with the terms of the Subdivision Control Ordinance, as amended, which funds shall be used for the construction and installation of sidewalks, curbs and gutters in the Town of St. John.

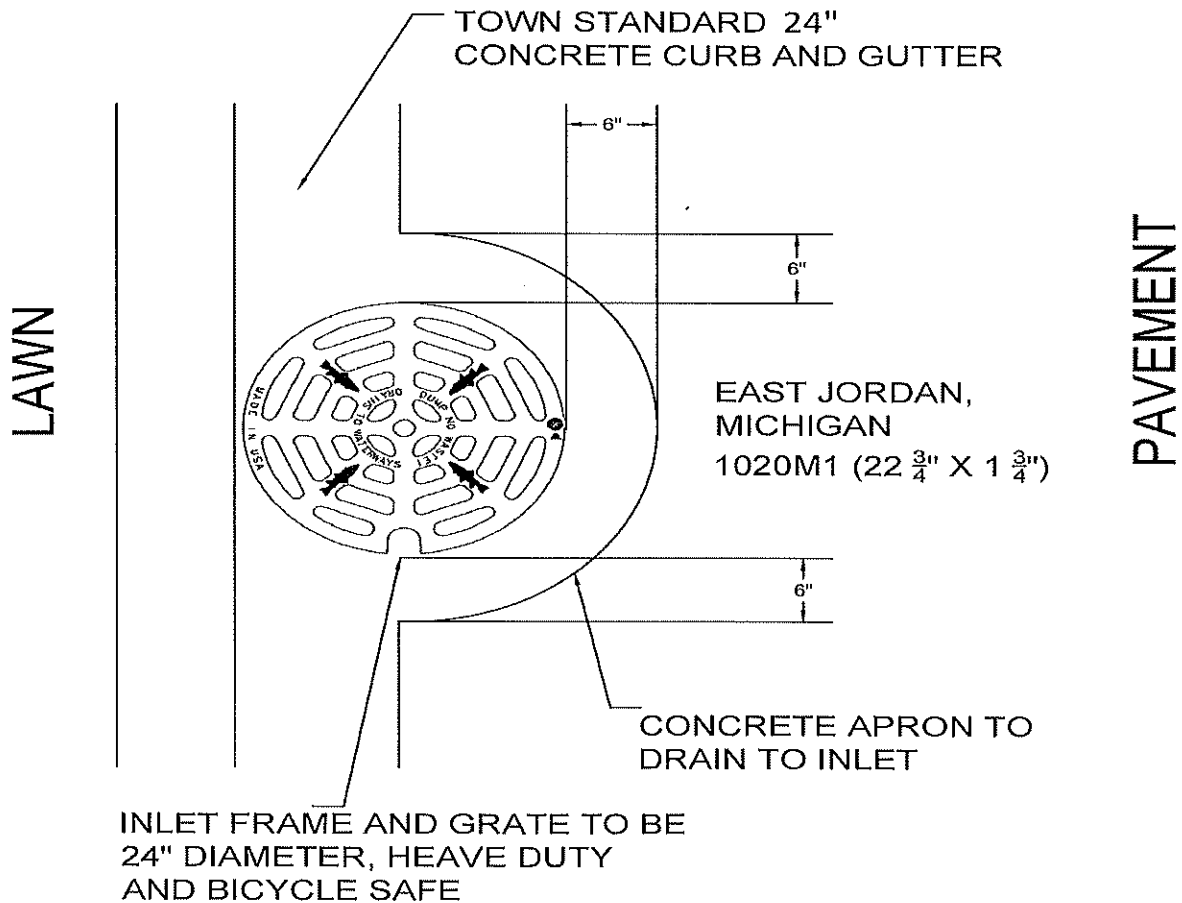
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, as follows:

SECTION ONE: That Section 4, entitled "Curb and Gutter", of Title V, entitled "Design Standards" of the St. John Subdivision Control Ordinance No. 1707, as codified

as Town Code Section 21A-44, be, and the same is hereby deleted in its entirety and replaced with the following text:

A. Construction Standards. After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters of a twenty-four (24) inch wide roll-type. Curbs shall be a minimum of ten (10) inches thick at the pavement edge and twelve (12) inches thick at the rear edge. Curbs shall have three and one-half (3.5) inch minimum aggregate base integral with street base. Curbs shall also be constructed with expansion joints every one hundred (100) feet and additional scoring every twenty (20) feet. Special attention should also be made when grading adjacent to completed curbs, where sufficient said depth should be achieved so that soils do not wash away to the storm sewer system from lots. The subdivider shall further be required to install all such required concrete curbs and gutters in conformance with applicable State and Federal building codes and regulations, as amended from time to time, as well as the Americans with Disabilities Act (ADA), as amended from time to time.

Concrete for curbs and gutters shall have a twenty-eight (28) day compressive strength of four thousand (4,000) psi minimum (INDOT class A concrete mix) and have no more than a four (4) inch slump.



CONCRETE INLET APRON
NO SCALE

B. Payment in Lieu of Installation. In extraordinary circumstances, the Plan Commission may determine that the installation of curbs and gutters is impossible or illogical within the proposed subdivision or amendment and/or replat of subdivision. If the Plan Commission makes this determination, as an alternative to providing curbs and gutters, a Subdivider may make payment to the Town of St. John Sidewalk, Curb and Gutter Standard Fund in an amount equal to ninety percent (90%) of the total cost of the installation of curbs and gutters. The payment in lieu of installing curbs and gutters shall be computed on the basis of the current average cost per linear foot of curb and gutter required, as determined by the Town Engineer. A subdivider's payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund under this section does not obligate the Town to install curbs and gutters at any time on the subdivider's property. The subdivider's payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund may be used to install curbs and gutters anywhere in the Town. Payment in lieu of installation of curbs and gutters shall release the subdivider from the responsibility to install curbs and gutters at the present time or any time in the future in those specific areas and locations identified by the Plan Commission. If the Plan Commission determines that the installation of curbs and gutters is impossible or illogical and the subdivider instead makes payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund, this information shall be included in writing on the recorded plat of the subdivision.

SECTION TWO: That Section 5, entitled "Sidewalks", of Title V, entitled "Design Standards", of the St. John Subdivision Control Ordinance No. 1707, as codified as Town Code Section 21A-45, be, and the same is hereby deleted in its entirety and replaced with the following text:

A. Construction Standards. A concrete sidewalk shall be installed on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town and shall be installed prior to the issuance of an occupancy permit, to be five (5) feet wide, four (4) inches thick and expansion joints at a minimum spacing of twenty (20) feet and grooved at a maximum of every five (5) feet with a four (4) inch thick gravel base. The sidewalks across driveways and at street corners shall be six (6) inches thick and shall have welded wire fabric or fiber mesh reinforcing. The sidewalks shall be aligned with the sidewalk across the street and shall have handicapped accessible curb ramps at each street corner or where the Plan Commission deems them necessary. The subdivider shall further be required to construct all sidewalks in conformance with applicable State and Federal building codes and regulations as amended from time to time, as well as the Americans with Disabilities Act (ADA), as amended from time to time. Cast iron detectable warning mats shall be used at all such curb ramps and shall be painted brick red. Concrete used for sidewalks to be the same as concrete used for curbs and gutters. Three (3) separate ten (10) foot lengths of #5 rebar shall be required in sidewalks where there are b-box and sewer tap trenches crossing under the sidewalk section(s) from the street toward the buildings. The rebar shall be centered over the trench and evenly spaced across the width of the sidewalk.

B. Payment in Lieu of Installation. In extraordinary circumstances, the Plan

Commission may determine that the installation of sidewalks is impossible or illogical within the proposed subdivision or amendment and/or replat of subdivision. If the Plan Commission makes this determination, as an alternative to providing sidewalks, a subdivider may make payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund in an amount equal to ninety percent (90%) of the total cost of the installation of sidewalks. The payment in lieu of installing sidewalks shall be computed on the basis of the current average cost per square foot of sidewalk required, as determined by the Town Engineer. A subdivider's payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund under this section does not obligate the Town to install sidewalks at any time on the subdivider's property. The subdivider's payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund may be used to install sidewalks anywhere in the Town. Payment in lieu of installation of sidewalks shall release the subdivider from the responsibility to install sidewalks at the present time or any time in the future in those specific areas and locations identified by the Plan Commission. If the Plan Commission determines that the installation of sidewalks is impossible or illogical and the subdivider instead makes payment to the Town of St. John Sidewalk, Curb and Gutter Installation Fund, this information shall be included in writing on the recorded plat of the subdivision.

SECTION THREE: Establishment of the Sidewalk, Curb and Gutter Installation Fund. There is hereby established the Town of St. John Sidewalk, Curb and Gutter Installation Fund Number 2517 ("the Fund"). The Fund shall be a non-reverting fund in accordance with the rules, regulations and requirements of applicable Indiana law and the administrative rules and requirements of the Indiana State Board of Accounts, and shall receive any and all sums collected pursuant to this Ordinance, to be utilized in connection with the purposes set forth herein. Interest earned on the Fund, or on any account within the Fund, shall be deposited and maintained within the Fund or the separate account. The Town Clerk-Treasurer is hereby authorized and directed to take all appropriate and required steps to establish the Fund in conformance and compliance with applicable Indiana law. The Town Clerk-Treasurer shall maintain records of the status of the Fund or any account which may be established therein. The Town Clerk-Treasurer shall make an annual report of the Fund and account(s) to the Town Council and Plan Commission, which report shall include: (a) the amount of money in said Fund and any account(s); and (b) the total receipts and disbursements of the Fund and account(s). Said annual report shall also be made available to the general public upon request.

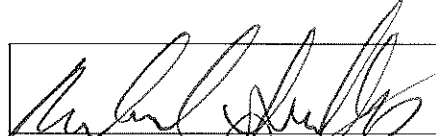
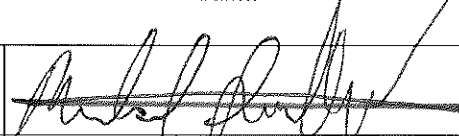


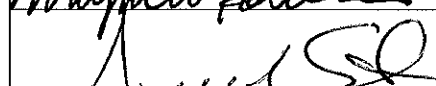

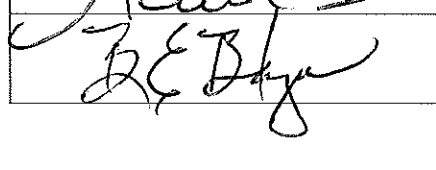
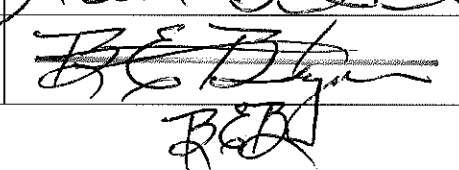
SECTION FOUR: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FIVE: 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 SIX: 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, and publication in conformance with applicable law.

ALL OF WHICH IS ORDAINED by the Town Council of the Town of St. John, Indiana, this 26 day of April, 2023.

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

AYE		NAY
	Michael Schilling, President	 MS
	Michael Aurelio, Member	
	Wayne Pondinas, Member	
	Gerald Swets, Member	 S
	Bryan Blazak, Member	 BBB

ATTEST:


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