

AN ORDINANCE OF THE TOWN OF  
CHESTERTON, PORTER COUNTY, INDIANA  
AMENDING THE VILLAGES OF SAND CREEK  
PLANNED UNIT DEVELOPMENT

WHEREAS, there is an existing Planned Unit Development within the Town of Chesterton known as the Villages of Sand Creek (hereinafter referred to as the "PUD District") memorialized by a certain Preliminary Site Plan Drawings for Villages of Sand Creek, a Planned Unit Development dated January 11, 1993 and revised February 5, 1993, prepared by PTGR Engineer-Land Surveyors, Inc., and platted with a series of plats recorded in the Office of the Recorder of Porter County, Indiana; and

WHEREAS, the plats of the PUD District are recorded in the Office of the Recorder of Porter County, Indiana, as follows:

PLAT NAME	PLAT FILE No.	DATE OF RECORDING
Secondary Plat of Villages of Sand Creek Phase -1	21-A-5	December 15, 1993
Secondary Plat of Villages of Sand Creek Phase -2	21-A-5A	August 28, 1995
Secondary Plat of Villages of Sand Creek Phase -3	21-A-5B	October 23, 1996
Secondary Plat of Villages of Sand Creek Phase -4	21-A-5C	August 3, 1999
Secondary Plat of Villages of Sand Creek Phase -5	21-A-5D	August 3, 1999

WHEREAS, the foregoing series of recorded secondary plats and the Preliminary Site Plan Drawings are the only written depiction or memorialization of the layout, configuration, standards and terms of the PUD District (and are hereinafter collectively referred to as the "PUD Documents and incorporate existing standards and variances set forth on Sheet 3 of 18 of the Preliminary Site Plan Drawings as follows:

EXISTING STANDARDS  
PURSUANT TO PUD DOCUMENTS  
Maximum Density = 6 - 8 unit buildings = 48 units  
Units will be developed as condominiums  
Minimum lot width = 75'  
Minimum lot depth = 80'  
Minimum lot area = 6,000 S.F.  
Minimum setback from perimeter streets = 20'  
Minimum side yard = 10' for principal structure  
Minimum rear yard = 10' for principal structure  
Offstreet parking places = 3 per unit  
Maximum building height = 35'

; and

WHEREAS, Petitioner (as defined below) has submitted a formal proposal for an amendment to the Villages of Sand Creek, a Planned Unit Development District pursuant to Article VII of the Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton; and

WHEREAS, a public hearing has been held as required by law and the Plan Commission has recommended the adoption of a PUD District Ordinance amending the Villages of Sand Creek, a Planned Unit Development for certain land located within the corporate boundaries of the Town of Chesterton; and

WHEREAS, the Chesterton Town Council concurs in the recommendation of its Plan Commission to amend the PUD District.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Chesterton Town Council as follows:

SECTION 1. An amendment to the PUD District known as the Villages of Sand Creek has been sought by Petitioner and the PUD District as set out in the PUD Documents is hereby amended by this Ordinance. Petitioner is the owner of a portion of the PUD District which is hereby approved for the following described real estate, to-wit:

Parcel "A-2", on the Secondary Plat (Final Plat) of The Villages of Sand Creek, Phase-5, as per plat thereof recorded on August 3, 1999 in Plat File 21-A-5D in the Office of the Recorder of Porter County, Indiana.

Parcel No. 64-07-05-103-002.000-023

The real estate is located in the Town of Chesterton, Indiana (hereinafter referred to as the "Property").

SECTION 2. The name and address of Petitioner for this PUD District Ordinance is:

Von Tobel Corporation  
256 S. Washington Street  
Valparaiso, Indiana 46383

SECTION 3. Von Tobel Corporation is the current owner of the real estate described in Section 1. The recorded document showing the ownership interest in the Property is in the form of a Corporate Warranty Deed dated January 23, 2013 and recorded January 23, 2013 as Document No. 2013-002109 in the Office of the Recorder of Porter County, Indiana.

SECTION 4. The Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton, along with the Chesterton Town Standards, latest edition, shall apply to the development of this property, except for the following variances to same:

a. Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton (development standard variances):

The layout and general configuration of the development of the Property shall generally be as shown on the Concept Plan attached hereto as Exhibit "A" and incorporated herein. The street configuration, design and layout shall be as shown on the Concept Plan with minor deviations approved by the Town during the site plan approval process. (§1000-53). No dedication of additional park lands shall be required. (§1000-101).

b. Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton (use variances):

None. Previously, the Property was approved for forty-eight (48) multi-family units and is modified to permit twenty-eight (28) single-family attached homes in fourteen (14) separate buildings.

c. Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton (subdivision regulations):

None. The Property will not require a subdivision plat to convey the 28 individual homes because the Petitioner shall submit the Property to the Indiana Horizontal Property Law with each home being a condominium unit as defined by I.C. 32-25-2-9.

d. Variances to Chesterton Town Code and Standards:

The development of the Property consistent with the Concept Plan and Petitioner's known plans and specifications require the following deviations from Town Standards:

and specifications require the following deviations from Town Standards:

1. The new roadway shown on the Concept Plan shall provide for ingress and egress to the Property from Eagles Nest Drive on the north only. The new road shall be twenty-four feet (24') pavement width with a loop configuration at the south end. (Town Standards are thirty feet (30') public streets.). The new road shall be privately maintained and shall have no connection to Porter Avenue. The Concept Plan is subject to the final design approval of the Town during the site plan approval process. §1000-53).
2. Sidewalks shall be five feet (5') in width and will be integrated into the curb line. No parkway green area will be provided. (§1000-80).
3. The PUD District for the Property will not be platted for subdivision of lots or parcels as otherwise required. The homes will be submitted to the Indiana Horizontal Property Law. (§713). Approval of the improvements to be made to the Property and project shall be made pursuant to conditions set forth in Section 14(e) of this ordinance.
4. All block and lot requirements are not applicable (§1000-54 and §1000-55).
5. The Petitioner, its successor and assigns, or the property owners association for the development may erect and maintain one monument style development sign at the location shown on the Concept Plan; provided that the sign (a) is no more than 64 total square feet in size and no more than 32 square feet on any one face; (b) is no more than 2 faces either double sided or a "V" shaped sign; (c) shall not exceed 6' in height; and (d) may be illuminated by exterior lights.

SECTION 5. All uses and the area in acres of each use in this PUD District are as follows:  
The Property is 4.228 acres in size and will be used exclusively for fourteen (14) buildings containing twenty-eight (28) single-family attached homes. The maximum density for the property is currently six (6) to eight (8) unit buildings of multi-family units not to exceed 48 total units according to the PUD Documents. Maximum density for the Property is hereby amended to be no more than fourteen (14) buildings containing twenty-eight (28) single-family attached homes.

SECTION 6. The total number of residential units in the District twenty-eight (28) located in fourteen (14) buildings and the percent of each type of each residential use is:

- a. 0% for single family detached use;
- b. 100% for duplex (single-family attached) use; and
- c. 0% for multi-family use.

SECTION 7. The delineation of each business and/or industrial use and total area in acres of each business and/or industrial use is as follows:  
There are no business and/or industrial uses on the Property.

SECTION 8. The Property is an undeveloped portion of the PUD District and will be developed as a single site and in one phase. There shall be only one phase of the future development of the Property located within the PUD District. Each building containing two (2) dwelling units will be constructed over time with market demand dictating future development timing.

SECTION 9. The development of the Property shall be consistent with the Concept Plan attached hereto and incorporated herein as Exhibit "A". The Concept Plan shows the location of all anticipated improvements upon the Property. The following modifications and amendments are made to the PUD District standards and conditions set out on the PUD Documents:

**EXISTING STANDARDS**

**PURSUANT TO PUD DOCUMENTS**

Maximum Density = 6 - 8 unit buildings = 48 units  
  
Units will be developed as condominiums  
  
Minimum lot width = 75'  
Minimum lot depth = 80'  
Minimum lot area = 6,000 S.F.  
Minimum setback from perimeter streets = 20'  
  
Minimum side yard = 10' for principal structure  
  
Minimum rear yard = 10' for principal structure  
  
Offstreet parking places = 3 per unit  
Maximum building height = 35'

**NEW STANDARDS ESTABLISHED**

Maximum Density - 28 single family attached units  
Units will be developed as condominiums  
Not applicable  
Not applicable  
Not applicable  
See below for setback to public right-of-way.  
Minimum building separation shall be no less than 10'.  
Minimum distance from buildings to rear property lines of the Property shall be no less than 15'.  
Offstreet parking places = 3 per unit  
Maximum building height = 39'6"  
Minimum distance from buildings to public right-of-way shall be no less than 30'.  
Minimum setback from new private street to buildings shall be no less than 20', except that the building with Units 126 and 127 (see Concept Plan) shall be no less than 8'.

SECTION 10. The general description of community services available to this PUD District's residents, including school, fire protection, parks, and all public/private utilities, is as follows:

- a. Fire Protection:  
Existing Fire Station at 8th and Broadway Avenue in the Town of Chesterton.
- b. Police Protection:  
Chesterton Police Department at 8th and Broadway Avenue in the Town of Chesterton.
- c. Available Utilities:
  1. Electricity and Gas - NIPSCO
  2. Water - Indiana American Water Company
  3. Wastewater - wastewater service is provided by the Chesterton utilities and is available to the Property through existing infrastructure or proposed new connections.
  4. Telephone - Frontier
- d. Schools:  
Duneland School Corporation.
- e. Public Park:  
Coffee Creek Park is located at 246 E. Morgan Avenue. Dogwood Park is located at the corner of 23rd Street and County Road 1100 North.

SECTION 11. The proposed development is 4.228 acres in size and is not a significant project requiring the dedication of open space. No additional open space or recreational features are planned for or dedicated to the public use in the PUD District.

SECTION 12. There shall be 14 principal structures on the Property which includes areas within the PUD District. It is anticipated that construction will commence in 2016 and be completed when market demand permits sales to direct construction of the individual buildings within the Property and shown on the Concept Plan. The proposed construction schedule set forth above represents Petitioner's best estimate of the construction schedule for this PUD District, provided, however, in the event such schedule is not met, the rights conferred upon Petitioner, their successors and assigns, and the standards of development established by this Ordinance shall continue in full force

and the standards of development established by this Ordinance shall continue in full force and effect and the Property may be developed and used in accordance with this Ordinance notwithstanding the failure to meet the proposed construction schedule.

**SECTION 13.** The objectives of PUD Districts as set forth in Section 702 of Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton, including a specific written submission concerning Section 708 S. of Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton, is as follows:

The Villages of Sand Creek, Plan Unit Development was adopted by the Town in 1993. The first of the plats for the PUD District was recorded as December 15, 1993 in Plat File 21-A-5 in the Office of the Recorder of Porter County, Indiana. There is no written ordinance to refer to and PUD Documents are the only written memorialization of the PUD District standards.

There is no commercial use planned in this Planned Unit Development. The development of the Property will be single-family attached residential units.

There are no public active recreational spaces being set aside in this amendment to the Planned Unit Development. Dogwood Park and Coffee Creek Park are located in close proximity to the PUD District. The single development site which will provide for landscaped and open space areas which will be maintained by condominium owners through a separate homeowners association. Immediately to the south is the Sand Creek Country Club.

There are no new public streets, alleys or rights-of-way to be created or dedicated by this amendment or project.

With the exception of the variances, waivers and releases set forth expressly in this ordinance, Petitioner and its contractors will comply with all ordinances, rules and regulations regarding the development of the Property, including the Storm Water Pollution Prevention Plan required by Indiana Administrative Code 15-5-2 and Chapter 24 of the Town Code of the Town of Chesterton. Prior to the issuance of building permits infrastructure shall be reviewed and approved pursuant to Section 14(e) of this Ordinance. The Property is bisected by Sand Creek which will likely accept stormwater ultimately discharged from the Property.

The Town of Chesterton has the sewer capacity in which to serve the development anticipated by this amendment to the Planned Unit Development. An allocation letter shall be obtained prior to Department Head site plan approval. Existing sanitary sewer service to the Planned Unit Development is completely separated from storm water improvements and extensions and new infrastructure for the development of the Property will continue the sewer separation. Petitioner will develop a sanitary sewer line with all improvements necessary to provide service to the Property. The cost of all utility work will be paid for by the Petitioner. The Indiana-American Water Company currently provides domestic water to the Property. The Property is adjacent to two (2) separate rights-of-way to provide access for any and all necessary utilities to service the Property. Easements for the extension of utilities are not necessary.

The proposed development of the remaining building areas within the existing Villages of Sand Creek Planned Unit Development and this amendment is consistent with the goals and objectives of the Chesterton Comprehensive Plan and the Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton; namely, the General Standards of Section 708. The uses are compatible with surrounding land uses, the availability and coordination of water, sanitary sewers, storm water drainage and other utilities is present and reasonability managed and traffic is handled in a manner to create conditions favorable to health, safety, convenience, and the harmonious development of the community.

**SECTION 14.** The reasonable conditions or written commitments concerning the use and development of the land contained in this PUD District is as follows:

a. Petitioner shall construct, install and pay for all water mains and other improvements required to provide water service to the Property, all in accordance with the final engineering plans to be approved by the Indiana-American Water Company. The Petitioner shall grant or dedicate all easements required by the Town and/or Indiana-American Water Company for the construction, maintenance and repair of the necessary water service improvements serving the Property

b. Petitioner shall construct, install and pay for all sanitary sewer and other improvements required by the Town of Chesterton to serve the Property with sanitary sewer, all in accordance with the final engineering plans to be approved by the Town of Chesterton. The Petitioner shall grant or dedicate all easements required by the Town for the construction, maintenance and repair of the necessary sanitary sewer improvements serving the Property.

c. Petitioner shall construct, install and pay for the all stormwater sewer and other improvements required by the Town of Chesterton to serve the Property with stormwater service, all in accordance with the final engineering plans to be approved by the Town of Chesterton including MS4 stormwater quality requirements. Petitioner shall grant or dedicate all easements required by the Town for the construction, maintenance and repair of the necessary stormwater improvements serving the Property. Stormwater basins and facilities shall be privately maintained by an owners association, however, in the event the association fails to maintain the improvements, the Town has the right, but not the obligation, to maintain and repair stormwater facilities within the Property.

d. With respect to any public improvements needed for this development, as determined by the Town Engineer, Petitioner will submit the required letter of credit or surety bond as required pursuant to Section 1000-24, as found in Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton. This requirement is to occur at the time of building permit application.

e. Prior to any construction, the Petitioner shall submit design drawings in reasonable detail (signed and sealed by a Professional Engineer, if required) showing the public and private infrastructure, utilities, private roads, storm water management and other design of improvements to the Town Engineer for review and approval of the Town Department Heads pursuant to existing practices and policies.

f. The Petitioner shall comply with the Town's Park Impact Fee Ordinance, which is Ordinance 2015-02, or its successor ordinances.

g. The Petitioner shall grant and dedicate to the Town and public utility companies, easements for ingress and egress, utilities and drainage as shown on the Concept Plan.

h. The Petitioner shall file with the Town, promptly after the recording with the Porter County Recorder's Office, the Declaration of Condominium Ownership and all subsequent amendments and Supplemental Declarations for each of the individual condominium buildings within the development.

i. The Petitioner shall comply with any and all rules, regulations, statutes and ordinances regarding environmentally protected land and wetlands and secure all permits and approvals prior to the disturbance of any restricted land within the Property.

j. The Plan Commission has recommended and Petitioner shall comply with the following conditions:

a. There shall be no parking permitted on the inside curb of the loop road.

b. A landscaping buffer (which shall include arborvitae plantings) shall be added to the extreme south end of the loop drive to prevent all vehicular access from Porter Avenue.

c. The Chesterton Fire Department shall determine the location of fire hydrants within the development.

**SECTION 15.** The drawing portion of the PUD District Ordinance showing the Concept Plan of de-

velopment for the Property, as required by Section 711 of the Unified Comprehensive Zoning and Subdivision Control Ordinance of the Town of Chesterton, is attached hereto, incorporated, and marked as Exhibit "A".

SECTION 16. Any violation of this PUD Ordinance shall constitute a violation of the Town Code punishable by a fine from \$1.00 to \$2,500 per violation for each day said violation exists in accordance with the general penalty provisions found in Section 1-9 of the Town Code.

SECTION 17. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Chesterton Town Council this 14th day of November, 2016.

CHESTERTON TOWN COUNCIL

Emerson DeLaney  
James G. Ton  
Nathan Cobbs  
Dane Lafata

ATTEST:  
Stephanie Kuziela, Clerk-Treasurer  
9/6/17 - hspaxlp