



**ADDENDUM
PLAN COMMISSION STAFF REPORT
PC 25-022**

To: Members of the Plan Commission

From: Sergio Mendoza, Planning Director

Meeting Date: February 10, 2026

Agenda Item: PC 25-022: PUD AMENDMENT, The Pavilion on 45th

Subject: Addendum to January 13, 2026 Plan Commission Staff Report

PURPOSE

This memorandum is an addendum to the January 13, 2026 staff report regarding a proposed Amendment to the PUD for the The Pavilion on 45th. This addendum identifies updates, findings, and recommendations to the above-listed agenda item, as discussed between staff, the applicant, and agents through subsequent correspondence since the January 13, 2026 Plan Comision (PC) meeting, now for consideration at the February 10, 2026, PC meeting.

UPDATE

Since the January 13, 2026 meeting of the Plan Commission, staff has been providing guidance and updates to the proposed THE PAVILION ON 45TH PLANNED UNIT DEVELOPMENT. Several collaborative discussions and correspondences have occurred in the redraft of the proposed PUD that will secure the site's existing use standards and require upgraded standards for new development and redevelopment interest. Also, pursuant to Section 26-6.804.L.9 SPECIFIC SUPPLEMENTAL PROVISION RELATED TO PLANNED UNIT DEVELOPMENTS of the Town of Munster Zoning Code, all materials, layout, lot configuration, and development pattern are identified and supported within the updated PUD Amendment. However, one outstanding item for clarification within the proposed PUD Amendment is in SECTION I. C. 3., as it relates to the applicability of Certificate of Occupancy.

STAFF FINDINGS AND RECOMMENDATION

Staff finds that the proposed PUD Amendment is consistent with the proposed subdivision, current development, and future development interests of The Pavilion on 45th commercial and service use development. Staff also finds one outstanding item for review and requests that legal offer guidance and on matters related to the applicant/agent's proposed language on Certificate of Occupancy as part of a Favorable Recommendation to the Town Council for an Amendment to THE PAVILION ON 45TH PLANNED UNIT DEVELOPMENT.

Finally, after the full review of the PUD, staff acknowledges that the standards within the PUD are compatible with surrounding land uses and is consistent with the Comprehensive Plan. Further, it will not detrimentally affect any present, adjacent, or potential property values, character, or development patterns at or within the surrounding districts. Staff has also determined that the PUD standards will provide a benefit to the town through codes and standards that could not be achieved under the current character-based zoning standards, and any deviations from any otherwise applicable requirements are achieved by the quality of design and amenities to be considered as Development Plans, unique to the site conditions. All thoroughfares and utilities, parking, landscaping, and infrastructure are existing and sustain a stable and desirable commercial and service use orient environment to adequately support any applicable requirements of Sections 26-6.804 L.9.a-k.

Staff requests that these findings supplement and refine the analysis contained in the original staff report and should be considered part of the full record, while all other findings, analysis, and recommendations in the original staff report remain unchanged unless otherwise noted.

The Plan Commission may consider the following motion:

Motion to send a FAVORABLE recommendation to the Town Council for PC 25-022, an AMENDMENT TO THE PAVILION ON 45TH PLANNED UNIT DEVELOPMENT, including all findings and discussions with the condition that legal review and update language in SECTION I. C. 3. prior to Town Council consideration.

ATTACHMENTS:

- PUD AMENDMENT – THE PAVILION ON 45TH (19 pages)

The Pavilion on 45th **STANDARDS FOR BULK, DESIGN, AND USES**

The following terms and conditions shall constitute the standards for bulk, design, and uses for The Pavilion on 45th Planned Unit Development District (hereinafter “The Pavilion PUD”).

I. THE PAVILION ON 45TH PLANNED UNIT DEVELOPMENT DISTRICT.

A. Intent.

The Pavilion on 45th Planned Unit Development District (“The Pavilion PUD”) is an 11.28 +/- acre development in the Town of Munster previously approved on January 14, 2002, as a commercial planned unit development by the passage of Town of Munster Ordinance No. 1178. Ordinance No. 1178, and all use restrictions, development requirements, plans, and specifications incorporated therein, have been repealed and replaced by this PUD Ordinance for The Pavilion PUD.

B. Legal Description.

LOT 1, 45TH AVENUE ADDITION, A PLANNED UNIT DEVELOPMENT TO THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, AS PER PLAT THEREOF IN PLAT BOOK 91, PAGE 82, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Parcel No. 45-07-32-126-001.000-027
Common Address: 1830 45th Ave., Munster, IN 46321

TO BE KNOWN AS:

LOTS 1, 2, 3 AND 4, A RESUBDIVISION OF 45TH AVENUE ADDITION LOT 1, A PLANNED UNIT DEVELOPMENT TO THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 91, PAGE 82, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Hereafter referred to as the “Property.”

C. District Map and Final Plat.

The Pavilion PUD district map and final plat (replat) of subdivision is on file with the Munster Community Development Department and shall be recorded with the Office of the Recorder of Lake County, Indiana, and identifies the existing lots of The Pavilion PUD, as of the effective date of this PUD Ordinance. Specifically,

1. Lot 1 is an existing parking lot;
2. Lots 2 and 3 each have one (1) primary building used currently as a shopping center with existing tenants, including retail, personal services, childcare, animal care, office services, and drive-up storage units; and
3. Lot 4 is undeveloped, vacant land upon which a climate-controlled, internally accessed storage facility is proposed, Upon Within six (6) months after the issuance of a Certificate of Occupancy upon completion of construction of a primary building on Lot 4 (the “Lot 4 Occupancy Permit”), no less than the front half of the existing tenant space for a drive-up storage unit facility in the shopping center on Lot 3 shall be restored by the owner for a permitted use as set forth in this PUD Ordinance.

Commented [SEY1]: Sergio to discuss with Nicole.

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4. As of the effective date of this Ordinance, the standards, specifications, and requirements set forth in this PUD Ordinance shall apply to the development, design, and layout of The Pavilion PUD.

D. Supplemental Zoning and Subdivision Control Provisions.

The provisions established herein constitute the Plan of PUD for The 45th Pavilion Planned Unit Development District Ordinance and govern the development as a whole and the final development plan approval process. Any zoning or subdivision control standards not specified herein shall be governed by the applicable provisions otherwise specified in the Town of Munster Code of Ordinances and the standard specifications for the construction of public facilities in the Town of Munster, as both may be amended from time to time for the CD-5 character-based zoning district or C-2 commercial zoning district in effect at the time.

II. USES

Primary and accessory uses shall be specifically permitted or prohibited as set forth in this section. The Zoning Administrator shall determine the category of a use if it is not specifically listed below, and any appeal from a decision of the Zoning Administrator shall be filed with the Board of Zoning Appeals.

A. Permitted Primary Uses.

1. All Lots:
 - a. Adult Daycare Facility;
 - b. Alcohol Uses - produced, served, and/or sold on site (bar, tavern, night club, brewery, distillery, winery);
 - c. Animal Uses, with or without Boarding (small animal grooming, veterinary office/hospital, daycare);
 - d. Child Care Facility;
 - e. Corporate offices;
 - f. Farmers' Market, products grown off-site;
 - g. Financial Services, with or without drive-through, including ATM;
 - h. Hotel;
 - i. Office Service Uses (medical, dental office or clinic; insurance, law, real estate, accounting offices; radio, TV station; print shop, copy center, design services; title company; travel agency; building systems business without on-site equipment/storage);
 - j. Personal Service Uses (dance, martial arts studio; fitness center, gym; barber; hair, tanning, nail salon; day spa; dry cleaners; self-service laundry; tailor shop; shoe repair; photography studio);
 - k. Recreation Uses (billiards, arcade room; banquet hall, event center; bowling alley; theater, movie or live performance; indoor sports simulator; fun center);
 - l. Retail Use, with or without Drive-Through (restaurant; coffee shop or roastery; retail bakery);

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butcher; pharmacy; jewelry, antiques, craft, fabric, flower, gift, pet supplies, apparel shop; art gallery; record, music, instrument shop; bookstore; sporting goods; convenience store; auto parts sales without repair service; building finishes shop; liquor store).

2. **Lot 4. Only.** In addition to the permitted uses identified in subsection II.A., the following uses shall be permitted on Lot 4 only:
 - a. Storage facility, indoor or external - climate-controlled and fully self-contained facility with interior loading and unloading through an enclosed drive-thru tunnel, only.
 - i. Telecommunications, transmitting antennas, and lightning protection poles/rods are incidental and supportive of the permitted primary use for the Storage Facility so long as these accessory structures are not leased or sublet to a third-party.

B. Prohibited Primary Uses – All Lots:

1. Adult Uses (clubs, theatres, bookstores);
2. Auto Uses;
3. Discount Retail Stores;
4. Fireworks sales, storage;
5. Storage Facility for boats, recreational vehicles;
6. Storage Facility, outdoor (drive-up storage units, outside storage units);
7. Tobacco and e-Cigarette Use (smoke, vape, CBD shop; hookah, cigar bar).

C. Accessory Uses – All Lots.

1. **Permitted Accessory Uses.** The following accessory uses shall be permitted in The Pavilion PUD and shall not be required to be incidental or supportive of the permitted primary use of the building or lot where it is located.
 - a. Dumpster (excluding temporary);
 - b. Electric Vehicle Charging Station (EV Charger);
 - c. Open-Lot Sales;
 - d. Outdoor Dining Area.
2. **Incidental Accessory Uses.** Except as set forth in subsection II.C.1., accessory uses shall be permitted in The Pavilion PUD only upon the Zoning Administrator's determination that the accessory use is:
 - a. Secondary, subordinate, and naturally connected to the permitted primary use;
 - b. Limited in scope, frequency, and significance in relation to the permitted primary use; and
 - c. Consistent with the intent of The Pavilion PUD zoning district.

III. LOT AND STRUCTURE STANDARD

The following standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

A. Setbacks.

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1. **Primary Buildings**. Primary buildings shall have the following setbacks:
 - a. 45th Street lot line/frontage (north): Min. 30 ft.
 - b. Fran Lin lot line/frontage (west): Min. 30 ft.
 - c. All other lot lines: Min. 5 ft.
2. **Accessory Buildings**. Accessory buildings shall have the following setbacks:
 - a. Same as the primary building but shall be located to the south and behind the primary building (regardless of the primary building orientation).
3. **Non-Building Accessory Structures**. Non-building accessory structures shall have the following setbacks:
 - a. All lot lines: Min. 5 ft.

B. **Lot Width & Coverage**.

1. **Lot frontage**: Min. 100 ft. at the building line.
2. **Lot coverage** (impervious surfaces): Max. 90%.
3. **Building Count**: Max one (1) primary building and one (1) accessory building per lot.

C. **Building and Structure Heights**.

1. **Primary building height**: Max. 50 ft.
2. **Accessory building height**: Max. 16 ft. or the height of the primary building, whichever is less.
3. **Elevator bulkheads and mechanical equipment**: Max. 15 ft. from roof deck.
4. **Telecommunications, transmitting antennas, or lightning protection poles/rods**: Max. 10 ft. above the maximum building height.

D. **Accessory Structures**.

1. Accessory structures shall be permitted only in association with and on the same lot as the primary structure.
2. Accessory structures are prohibited on all lots before the construction of the primary building, and no accessory building shall be used before the primary building.
3. No accessory structures shall be permitted within a platted or recorded easement.

IV. BUILDING MATERIALS AND STANDARDS

The following standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise. The Zoning Administrator shall determine whether a proposed building material not specifically listed below is prohibited or permitted, and any appeal from a decision of the Zoning Administrator shall be filed with the Board of Zoning Appeals.

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A. Permitted Building Materials.

1. **All Lots:**
 - a. Brick;
 - b. Natural or cast stone;
 - c. Wood or metal storefront;
 - d. Ceramic tile;
 - e. Glass;
 - f. Metal;
 - g. Decorative concrete masonry units;
2. **Lot 1, only.** In addition to the permitted building materials in subsection IV.A.1., the following building materials shall be permitted on Lot 1 only:
 - a. Any building material permitted per the zoning regulations in effect at the time of issuance of any required building permit, specifically, for the CD-5 character-based zoning district or C-2 commercial zoning district.
3. **Lots 2 and 3, only.** In addition to the permitted building materials in subsection IV.A.1., the following building materials shall be permitted on Lots 2 and 3 only:
 - a. Stucco/EIFS (exterior insulation and finish systems).

B. Prohibited Building Materials.

1. **All Lots:**
 - a. Siding made of aluminum, metal (industrial type), vinyl, asphalt, cedar shakes, plywood, or a similar material;
 - b. Unfinished or coated Concrete Masonry Units.
2. **Lots 1 and 4, only.** In addition to the prohibited building materials in subsection IV.B.1., the following building materials shall be prohibited on Lots 1 and 4, only:
 - a. Stucco/EIFS (exterior insulation and finish systems).

C. Building Main Entrances. All doors at the main entrances shall be glass storefronts with aluminum framing.

D. Exterior Mechanical or Auxiliary Room Doors. All exterior mechanical or auxiliary room doors may be a hollow metal door and frame; shall be painted to blend in with the exterior of the building; and shall not be visible from the right-of-way when possible.

E. Mechanical louvers. Mechanical louvers shall be permitted where necessary; shall be a complementary color to the exterior of the building or clear anodized aluminum; shall have exterior bird screens; and shall not be visible from the right-of-way when possible.

F. Lot 4, Only. In addition to the requirements of this subsection IV, the primary building constructed on Lot 4 shall comply with the following building standards:

1. 25% brick (masonry) minimum;
2. 2% glass at visible portion of street facing frontages;
3. 3% overhead and steel doors maximum;
4. Loading docks, including overhead doors, shall not be visible from the 45th Street right-of-way, when

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possible.

V. PARKING AND DRIVE STANDARDS.

The following standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

A. Definitions. The following definitions are applicable to The Pavilion PUD parking and drive standards:

1. *Net floor area* means total floor area of indoor and/or outdoor sales and service space, and customer areas, excluding structural elements (columns, permanent partitions), common areas (stairwells, corridors, elevators, restrooms, drive aisles), unoccupied space (mechanical/electrical rooms, storage closets), and food/beverage service areas (kitchen/food preparation/bar service areas).
2. *Restaurant* means a food and/or beverage establishment with or without dine-in, carry-out, pick-up, delivery, drive-through, and/or drive-in. This term shall include a bar, tavern, nightclub, lounge, and similar establishments.
3. *Corner lots*. A corner lot has 2 front yards. The standards applicable to the front yard shall apply to both the 45th Street lot line/frontage (north) and the Fran Lin lot line/frontage (west) on a corner lot.
4. *Parking Area* means an off-street land area, including parking spaces, parking/drive aisles, interior drives, drive-through lanes, and ingress and egress drives for motor vehicles within a lot.
5. *Parking Determined by Use*. Off-street parking areas shall be required based on the use of the property, as set forth in this subsection. If the use of a property changes, then the number of required parking spaces shall comply with the new or amended use, or said use shall not be permitted. If a property has more than 1 primary use, the required parking spaces shall be calculated for each use.
6. *Computation*. When the total number of required parking spaces results in a fraction, the number shall be rounded down to the nearest whole number.

B. Minimum Off-Street Vehicle Parking Requirements. The minimum off-street vehicle parking requirements in this subsection shall apply to The Pavilion PUD and shall be calculated based on the use(s) of the lot and/or structure. The minimum number of parking spaces required per lot shall be determined by adding up the spaces required for each applicable use.

1. Table: Required Minimum Off-Street Vehicle Parking.

Required Minimum Off-Street Vehicle Parking Table	
Land Use	Required Parking Spaces
Adult Day Care Facility	1 space per employee at peak hours
Alcohol Uses	See <i>Restaurant</i> parking requirements (included in definition of <i>Restaurant</i> , per subsection V.A.2. above)
Animal Uses	1 space per 200 sq. ft. of total net floor area + 1 space per employee at peak hours

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Child Care Facility	1 space per employee at peak hours
Corporate offices	3.5 spaces per 1,000 sq. ft. of net floor area
Farmers' Market	4.5 spaces per 1,000 sq. ft. of net floor area
Financial Services	
Financial services - ATM drive-through, only (stand-alone)	1 space per ATM + 60 linear ft. of stacking space for each service bay which is clear of drive aisles
Financial services w/o drive-through	5 spaces per 1,000 sq. ft. of gross floor area + 1 space per employee at peak hours
Financial services w/ drive-through	5 spaces per 1,000 sq. ft. of gross floor area + 60 linear ft. of stacking space for each service bay which is clear of drive aisles + 1 space per employee at peak hours
Hotel; Boutique Hotel	1 space per guest bedroom + 50% of required parking for net floor space for additional uses (i.e. restaurant, spa, retail, event space, etc.) + 1 space per employee at peak hours for all uses
Office Service Uses	
Medical or dental office/clinic	6 spaces per 1,000 sq. ft. of net floor area + 1 space per employee at peak hours
All other <i>Office Service Uses</i> not specifically listed	3.5 spaces per 1,000 sq. ft. of net floor area
Personal Service Uses: All	4.5 spaces per 1,000 sq. ft. of net floor area + 1 space per employee at peak hours
Recreation Uses	
Banquet hall, event center	1 space per _____ sq. ft. of net floor area + 1 parking space per employee at peak hours
Bowling alley, billiards, arcade room	5 spaces per lane/table + 1 parking space per employee
Indoor Sports simulator (driving range)	5 spaces per 4 stations + 1 space per employee at peak hours
Theater (movie and/or live performance)	1 space per every 3 seats + 1 parking space per employee at peak hours
All other <i>Recreation Uses</i> not specifically listed	4.5 spaces per 1,000 sq. ft. of net floor area + 1 space per employee at peak hours
Retail Uses	
Liquor store	4.5 spaces per 1,000 sq. ft. of net floor area + 1 space per employee at peak hours

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Pharmacy	5 spaces per 1,000 sq. ft. of gross floor area + 60 linear ft. of stacking space for each service bay which is clear of drive aisles + 1 space per employee at peak hours
Restaurant	5 spaces for each 300 sq. ft. of net floor area + 1 space per employee at peak hours
Restaurant w/ drive-in	5 spaces for each 300 sq. ft. of net floor area + 1 space for each drive-in stall + 1 space per employee at peak hours
Restaurant w/ drive-through	5 spaces for each 300 sq. ft. of net floor area + 120 linear ft. of stacking space clear of drive aisles + 1 space per employee at peak hours
All other <i>Retail Uses</i> not specifically listed	4.5 spaces per 1,000 sq. ft. of net floor area + 1 space per employee at peak hours
Storage Facility, indoor or internal (LOT 4 ONLY)	1 space per 100 storage units + 1 space per employee at peak hours

C. Parking Standards. All parking areas and drives shall comply with the following standards:

1. ADA. All parking accommodations shall comply with the requirements of the Americans with Disabilities Act (ADA) and the Indiana Accessible Parking Requirements, as amended from time to time.
2. Surfaces.
 - a. All surfaces shall be concrete, asphalt, or pavers. Compacted granulated material and soil shall be prohibited.
 - b. All areas shall be clearly painted to show each parking space.
3. Location. All parking shall be located on the same lot as the primary structure and may be located in the front, side, or rear yard.
4. Access to public streets. All areas shall be designed to prevent vehicles from having to back into or maneuver in public streets.
5. Drainage. All areas shall be constructed to allow proper drainage and shall be reviewed and approved by the Zoning Administrator and Town Engineer.
6. Internal drives. All internal drives leading to and from parking areas, and where no parking spaces are located, shall be no less than 12 ft. wide for one-way traffic and 24 ft. wide for two-way traffic.
7. Aprons.
 - a. Maximum. 30 ft. wide at the public sidewalk.
 - b. Minimum. 12 ft. wide for one-way traffic and 24 ft. wide for two-way traffic measured at the public sidewalk.
 - c. Flares. Flares shall be no greater than three (3) ft. on each side.

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8. Curbs and wheel stops. All parking areas and drives shall be completely curbed. Wheel stops shall be provided for all parking spaces adjacent to sidewalks.
9. Parking area dimensions. Parking areas shall comply with the dimensions in the following *Table*.
 - a. Table: Required Minimum Off-Street Parking Space Dimensions.
10. Parking lot islands. All parking areas having 10 or more parking spaces shall contain parking islands, which shall comply with all the following:
 - a. There shall be no more than 10 parking spaces in a row without an intervening parking island.
 - b. Each parking row shall terminate at both ends with a parking island;
 - c. Each parking island shall be no less than 9 ft. wide x 18 ft. long; and
 - d. All parking lot islands shall be curbed.
11. Parking lot medians. All parking areas with internal drives that abut one or more parking spaces shall contain parking lot medians, which shall comply with all the following:
 - a. Each parking lot median shall extend the entire length of the internal drive that abuts any portion of a parking space, without interruption;
 - b. The interior area of each parking lot median shall be no less than 5 ft. wide (excluding curbs);
 - c. Each parking lot median shall have a 36" solid hardscape pathway no less than every 30 ft. of parking lot median for the entire length of the median; and
 - d. Each parking lot median shall be curbed.
12. Sidewalks. In addition to any required sidewalks around a parking area, each parking area with greater than 120 spaces shall comply with the following:
 - a. Each parking area shall have no less than 1 pedestrian walkway bisecting the parking area and connecting to adjoining sidewalks;
 - b. Each sidewalk shall be no less than 8 ft. wide; and
 - c. Each sidewalk shall be paved differently from the surrounding parking spaces regarding texture, material, style, and color.
13. Additional parking spaces required. In addition to the minimum off-street vehicle parking

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requirements set forth in this section, additional parking spaces shall be provided for the following:

- a. Business vehicles. Additional off-street parking spaces shall be provided for each vehicle used in the conduct of the business. The additional parking spaces shall be located to the side or rear of the primary building.
- b. Loading Standards. Additional off-street parking spaces shall be provided for loading and unloading of materials or merchandise, in accordance with this PUD ordinance.
- c. Electric vehicle charging stations. Additional off-street parking spaces shall be provided for each installed electric vehicle charging connector/plug.

14. Shared parking area within a lot. Shared parking allows a reduction in the total number of required parking spaces when a lot is occupied by two or more uses that have differing hours of parking demand. When any lot or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following *Table* and calculations.

- a. Table: Parking Demand Calculation.

Use Category	Weekdays		Weekends		
	Night 12AM - 6AM	Day 6AM - 6PM	Evening 6PM - 12AM	Day 6AM - 6 PM	Evening 6PM - 12AM
Office Service use; Industrial use;	5%	100%	10%	10%	5%
Restaurant	50%	70%	100%	70%	100%
Retail use; Personal Service use	5%	70%	90%	100%	70%
Hotel	100%	80%	100%	50%	100%
All Other uses	100%	100%	100%	100%	100%
Total Required Parking Spaces:					

- b. Parking demand calculations.

- i. Determine the number of parking spaces required for each proposed *Land Use* in the *Required Minimum Off-Street Vehicle Parking Table* in subsection VI.B.1.
- ii. For each proposed *Land Use*, identify the *Use Category* in the *Parking Demand Calculation Table* in subsection VI.C.14.a.

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- iii. Multiply the number of required parking spaces for the proposed *Land Use* by the percentages in the *Parking Demand Calculation Table* in subsection VI.C.14.a. in each column for all Weekday and Weekend time periods.
- iv. Complete steps (i.) through (iii.) for all additional proposed *Land Uses* that will share parking.
- v. Add each column to determine the total number of required parking spaces for each Weekday and Weekend time period.
- vi. Compare the column totals. The time period with the greatest total shall be the minimum number of shared parking spaces required for the two or more uses that occupy the lot or building.
- vii. In general, the maximum reduction pursuant to the *Parking Demand Calculation Table* shall be 25 percent.

15. Shared parking agreements between lots.

- a. A cross-parking easement shall be platted and shown on the final plat of The Pavilion PUD and shall apply to all lots in The Pavilion PUD.
- b. Additionally, before the issuance of any building permit for any lot in The Pavilion PUD, all lot-owners in The Pavilion PUD shall enter into a cross-parking easement agreement providing for shared parking, access, and maintenance throughout the entire PUD. A permanent documentation of the shared parking agreement shall be signed by all lot owners and the Town of Munster, by the Zoning Administrator. The permanent written agreement shall include, but not be limited to, maintenance, snow removal, ownership, liability, and notice and cancellation provisions, as to the shared parking lot and required signage related to parking and drive aisles/lanes on all lots in The Pavilion PUD. The agreement shall be approved and signed by the Zoning Administrator and all lot owners and shall be recorded in the Office of the Lake County Recorder. A copy of the recorded agreement shall be provided to and made a part of the records of the Munster Community Development Department
 - i. Signs shall be posted on the lots within The Pavilion PUD to identify the authorized shared parking and drive aisles/lanes, as determined by the Zoning Administrator, and this signage shall not be included in the signage calculated for any lot in The Pavilion PUD.
 - ii. When the parking area is shared by two or more uses that have differing hours of parking demand, then the required number of parking spaces may be calculated using the *Parking Demand Calculation Table* in subsection VI.C.14.a.

16. Minimum bicycle parking requirements. The off-street bicycle parking required on a lot within The Pavilion PUD shall be 5% of the required off-street parking for vehicles.

VI. LOADING STANDARDS.

A. Requirements. All loading areas shall comply with the following Standards:

1. Required. There shall be provided off-street loading areas in connection with any building that is to be erected or substantially altered and that requires the receipt or transportation of goods by delivery vehicles.

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2. Location. All required off-street loading areas shall:
 - a. Be located on the same lot as the use to be served;
 - b. Be located on the side or rear of the primary structure;
 - c. Provide sufficient area so that no delivery vehicle shall obstruct or interfere with parking access while it is loading or unloading;
 - d. Not be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way;
 - e. Not be located within 25 feet of the nearest point of intersection of any two streets;
 - f. Be designed so as not to interfere with any fire exits or emergency access facilities to either building or site;
3. Size. Loading space requirements, exclusive of drive aisles and maneuvering space, shall be a minimum 12 ft. wide x 25 ft. long x 13 ft. vertical clearance.
4. Space allowed. Loading areas shall not be used to satisfy the requirements of any off-street parking spaces. Off-street parking spaces shall not be used to satisfy the requirements of any loading areas.
5. Loading space requirements. Loading spaces shall be provided as follows:
 - a. One (1) loading space shall be provided for every building no greater than 20,000 square feet of gross floor area.
 - b. Two (2) loading spaces shall be provided for every building between 20,000 and no greater than 40,000 square feet of gross floor area.
 - c. Three (3) loading spaces shall be provided for every building between 40,000 and no greater than 80,000 square feet of gross floor area.
 - d. Four (4) loading spaces shall be provided for every building between 80,000 and no greater than 120,000 square feet of gross floor area.
 - e. Five (5) loading spaces shall be provided for every building between 120,000 and no greater than 160,000 square feet of gross floor area.
 - f. One (1) additional loading space shall be provided for every additional 80,000 square feet of gross floor area.
6. Exemption. These Loading Standards shall not apply to uses that demonstrate that they do not receive goods in quantity by truck delivery, as determined by the Zoning Administrator.

VII. SCREENING STANDARDS

The following standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

A. Dumpsters and other trash receptacles.

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1. Dumpsters and other trash receptacles shall be screened on all four sides by a gated enclosure no less than 5 feet and no greater than 6 feet in height above grade with 100% opacity.
2. The enclosure material shall be the same building material as the primary structure or constructed of masonry, brick, or stone similar in color and scale to the primary structure. The gate shall be constructed of galvanized metal frames with wood, composite, or permitted weather-resistant materials.
3. Dumpsters and other trash receptacles shall be located on the lot of the building it serves.

B. Mechanical and other equipment

1. Enclosures shall be provided around backup generators, cooling towers, gas bulk storage tanks, and any other mechanical equipment.
2. Mechanical and other equipment shall be screened from public view by a masonry wall, hedge, or fence to the same height as the mechanical or other equipment and 90% opacity. If required to mitigate acoustic impact, per a sound study, the Zoning Administrator may authorize construction of a higher fence not to exceed ten (10) feet high. All fences shall be constructed of wood, wood composite, or vinyl only.
3. Rooftop mechanical equipment. All mechanical equipment located on the roof of a building shall be screened by the building parapet or penthouse so that the equipment is not visible from the adjacent properties at grade.

C. Parking areas

1. With open space between the parking area and right-of-way. For Lot 4 and Lot 1, all parking areas with open space between the parking area and the right-of-way shall be screened with an ornamental metal fence with adjacent landscaping between the fence and the right-of-way, excluding alleys, as follows:
 - a. Fence shall be 3 ½ - 4 feet in height;
 - b. Landscaping shall consist of shrubs and/or plants, with a mature height no greater than 3 feet and no less than 50% opacity; and
 - c. The fence and landscaping screening shall be located within 10 feet of the right-of-way.
 - d. For purposes of this subsection, open space shall include the area between the parking area and the right-of-way where no portion of a building is situated.
 - e. For Lot 2 or Lot 3, complying with the foregoing requirements shall be condition for the issuance of permits for future development occurring on Lot 1, Lot 2 or Lot 3.

D. Loading areas. All loading areas shall be screened by a fence 6 feet in height, with 100% opacity, constructed of wood, wood composite, or vinyl, only.

1. Exempt. Screening shall not be required for loading spaces that are utilized no more than 4 hours per day and not overnight.

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- E. Outdoor storage areas. All outdoor storage areas shall be screened by a fence 6 feet in height, with 100% opacity, constructed of wood, wood composite, or vinyl, only.
- F. Lot 4 Requirements. In addition to the screening standards set forth in this section, the following screening standards shall apply to Lot 4 only.
 - 1. Building perimeters and equipment shall be screened from the line of sight of residential neighborhoods using non deciduous trees providing no less than 90% opacity.

VIII. LANDSCAPING STANDARDS.

The following Standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

- A. Definitions. The following definitions are applicable to The Pavilion PUD Landscaping standards:
 - 1. Corner lot. A corner lot has 2 front yards. The standards applicable to the front yard or frontage shall apply to both the 45th Street lot line/frontage (north) and the Fran Lin lot line/frontage (west) on a corner lot.
 - 2. Landscape material. Landscape material means all plant material, including trees, shrubs, live ground cover and plants, as well as stone and mulch.
 - 3. Planting area. Planting area means all pervious surfaces on a lot; also referred to as Landscape Area.
- B. Requirements. Landscaping on all lots shall comply with the following Standards.
 - 1. Required plant material.
 - a. Frontage trees. One shade tree per 30 linear feet of road frontage shall be required.
 - b. Parkway trees. For parkways equal to or greater than 5 feet in width, one shade tree per 30 linear feet of road frontage, excluding alleys, shall be required.
 - c. Parking lot island trees. One shade tree shall be required per parking island. (See The Pavilion PUD Parking and Drive Standards.)
 - d. Parking area trees. See The Pavilion PUD Screening Standards.
 - e. Shrubs, plants. All shrubs, plants, or live ground cover shall be between 18 – 24 inches from paved surfaces and lot lines.
 - 2. Permitted trees. All trees permitted to be planted within the Town are on a list maintained by the Zoning Administrator. Only permitted trees shall be planted on any lot.
 - 3. Required tree and shrub size. At installation, the following shall apply:
 - a. Non deciduous trees. All non deciduous trees at installation shall measure no less than 2.5 inches in caliper measured 3 feet from grade.
 - b. Shade trees. All shade trees at installation shall measure no less than 1.75 inches in caliper for small and medium tree species, and no less than 2 inches in caliper for large tree species, measured 3 feet from grade.

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- c. **Shrubs.** All shrubs at installation shall measure no less than 30 inches in height in a minimum 3-gallon container.
- 4. **Required placement of landscape materials.**
 - a. **Proximity.** At mature height and width, trees shall be:
 - i. No nearer than 3 feet to any paved surface, measured from the trunk at grade.
 - ii. No nearer than 5 feet to streetlights, mechanical equipment, service lines, or walls.
 - iii. No nearer than 6 feet to eaves, awnings, canopies, or overhead obstructions that are less than 2-stories in height.
 - iv. No nearer than 8 feet to balconies or overhead obstructions that are 2-stories or greater in height.
 - b. **Beneficial effect.** All trees shall be strategically placed to provide shade and/or enhance building exteriors.
 - c. **Site triangle.** Tree placement shall not obstruct driver sight lines, including required sight triangles.
 - d. **Root growth.** Tree placement shall account for root growth to prevent damage to site improvements.
 - e. **Base of monument sign.** Landscape plantings shall be provided around the base of any monument sign in an area equal to the gross area of one face of the sign.
 - f. **Building perimeter.** Except for existing buildings on Lot 2 and Lot 3, Decorative stone shall be installed around the building perimeters to a minimum width of one (1) foot for drainage and insect control.
- 5. **Coverage.**
 - a. **Required.** All bare or exposed ground shall be covered with live plant material, mulch, and/or stone, including decorative stone.
 - b. **Ratios.**
 - i. Living plant material shall cover no less than 75% of the Planting Area;
 - ii. Non deciduous plantings shall cover no less than 25% of the Planting Area.
 - iii. Mulch and/or stone shall cover no more than 25% of the Planting Area.
- 6. **Prohibited landscape materials.** Artificial turf and/or artificial plants shall be prohibited.
- 7. **Planters.** Large planters containing live plants shall be permitted at building entrances and along the sides of the buildings.
- 8. **Water features.** All water features on any lot shall be equipped with a recirculation system. This standard shall not apply to designated stormwater management areas.

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9. **Irrigation systems.** Irrigation systems shall be required in all Planting Areas. Manual surface irrigation shall be prohibited. Permitted irrigation systems include, but are not limited to:
 - a. Sprinkler irrigation (underground);
 - b. Soaker hose;
 - c. Drip irrigation;
 - d. Bubbler.
10. **Tree preservation.** The preservation of existing on-site trees and vegetation that are compliant with all PUD standards may be counted toward required landscaping requirements, at the discretion of the Zoning Administrator.
11. **Tree removal and replacement.** On any lot where trees are cleared for development, the owner shall replace the tree(s) or pay the tree replacement fee, as required by the zoning and/or subdivision standards for the CD-5 character-based zoning district or a C-2 commercial zoning district in effect at the time of issuance of any required building permit.
12. **Maintenance.** All Planting areas shall be promptly and properly maintained by the property owner, including the replacement of landscape materials as necessary to remain in compliance with the Landscape Standards.

IX. LIGHTING STANDARDS.

The following Standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

- A. **Requirements.** All lighting shall comply with the following Standards:
 1. **Minimize glare.** All lighting sources should be directed to minimize glare upon adjacent lots.
 2. **Shielded.** All light fixtures shall be fully shielded and direct light downward toward the ground.
 3. **Light pole height.** The total light pole height, including the fixture, pole, and base, shall be no greater than 25 feet from grade.
 4. **Color temperature.** The color temperature shall be no greater than 3000k.
 5. **Foot-Candles at lot lines.** Light meter readings shall not exceed:
 - a. One (1.0) foot-candle at the lot line adjacent to all other Zoning Districts. It should be understood that light will still be visible at or beyond lot lines at these measurements.
 6. **Foot Candles at Parking Areas.** To ensure proper light distribution for safety and security, the average foot-candles shown on a photometric plan for all parking areas and accessways shall be between 1.0 and 2.5 foot-candles, with the minimum at any point-location no less than 0.5 foot-candles.
 7. **Canopy or awning lights.** All lights on a canopy or awning shall be underneath and shall not extend below the canopy or awning.

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8. Accent, landscape, or pathway lights. All accent and landscape light fixtures shall comply with the following:
 - a. Shall be ground installed, only;
 - b. Shall not exceed 1600 lumens (100 watt) per fixture;
 - c. The maximum combined height of the fixture, pole, and base shall be no greater than 4 feet measured from grade;
 - d. The color temperature shall be no greater than 3000k.
 - e. Shall be exempt from the requirements in subsections IX.A.1. (glare), IX.A.2. (shielding), and IX.A.6. (foot-candles at parking areas).

X. SIGN STANDARDS.

The following Standards shall apply to all lots in The Pavilion PUD unless specifically stated otherwise.

- A. Unless otherwise indicated, all signage shall comply with the development standards for the CD-5 character-based zoning district or a C-2 commercial zoning district in effect at the time of issuance of any required sign permit.
- B. **PUD District signage.** The signage located in a dedicated sign easement shall be for the benefit of the entire PUD district and shall not be counted in any signage calculation for the specific Lots.
 1. **Permitted monument sign - Lot 1 dedicated easement.** One (1) multi-tenant monument sign shall be permitted in the 36 ft. x 30 ft. sign easement dedicated to the benefit of the entire PUD district.
 - a. Sign type: A single-faced, internally illuminated, aluminum cabinet and routed aluminum backed with Plex monument sign shall be permitted.
 - b. Sign dimensions shall not exceed:
 - i. Monument title block area: 10 sq.ft.
 - ii. Tenant space: 3 ft. 2 in. x 8 ft. 6 in.
 - iii. Monument sign height: 8 ft.
 - iv. Monument sign width: 8 ft. 6.5 in.
 - c. Permitted materials shall include: Cement sheets or slabs encased in Acrylmeric Fine Texcote, or like material.
 2. **Permitted Monument Sign – Lot 3 in dedicated easement.** A multi-tenant monument sign shall be permitted in the 44 ft. x 43 ft. sign easement dedicated to the benefit of the entire PUD district.
 - a. Sign type: A single-faced, internally illuminated, aluminum cabinet and routed aluminum backed with Plex monument sign shall be permitted.
 - b. Sign dimensions shall not exceed:

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- i. Monument title block area: 14 sq.ft.
- ii. Tenant space: 20 ft. 6 in. x 12 ft. 10 in.
- iii. Monument sign height: 25 ft.
- iv. Monument sign width: 18 ft. 6 in.

- b. Permitted materials shall include: Cement sheets or slabs encased in Acrylmeric Fine Texcote, or like material.

C. Lot 4.

1. **Permitted Wall Signs.** Notwithstanding subsection X.A, two (2) wall signs not exceeding 127 square feet each shall be permitted on Lot 4, provided that the sole primary use on Lot 4 complies with subsection II.A.2.a. of this PUD Ordinance.
2. Any additional signage shall comply with the development standards for the CD-5 character-based zoning district or a C-2 commercial zoning district in effect at the time of issuance of any required sign permit.

XI. NONCONFORMITIES

A. **Legally Existing Uses, Buildings, Structures, Signs, and Lots.** Except as otherwise provided in this PUD Ordinance or the Munster Code of Ordinances, as amended from time to time, a use, building, structure, sign, land, or lot of the following types that legally existed as of the effective date of this PUD Ordinance may be continued as a legal nonconformity, as provided in the provisions of this PUD Ordinance and the Munster Town Code, as amended from time to time:

1. A lawfully permitted use of land, building, or structure,
2. A lawfully permitted building, structure, or sign, and
3. A lawfully permitted lot.

B. Any building, structure, sign, land, or lot that is legally nonconforming with the zoning and/or subdivision control standards provided in this PUD Ordinance or the Munster Town Code, as amended from time to time, shall be permitted to remain in use and be maintained until such time that the building, structure, sign, land, or lot is redeveloped, at which time it shall fully meet the standards in effect at the time.

C. **Changes to improvements.** If an alteration to an improvement on a lot or land is limited solely to the following, and the alteration to the improvement complies with this PUD Ordinance or the development standards required for the CD-5 character-based zoning district or C-2 commercial zoning district in effect at the time of issuance of any required permit, then the alteration to the improvement shall not result in the termination of the legal nonconforming status of the building, structure, sign, lot, land, or remaining improvement(s) on the property:

1. Parking area or parking lot;
2. Private landscaping;
3. Curb cuts;

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4. Provision of an alley or access easement;
5. Change to or establishment of sidewalk, street trees, or other streetscape, or public frontage elements;
6. Change to utilities serving or existing on a parcel of land that is 4 acres or more.

END OF PLANNED UNIT DEVELOPMENT STANDARDS.