

ADOPTED BY THE
TOWN COUNCIL
DATE 11-8-99

ORDINANCE NO 1134

**AN ORDINANCE RECLASSIFYING CERTAIN REAL ESTATE IN THE
TOWN OF MUNSTER, INDIANA, AS A PLANNED UNIT
DEVELOPMENT FOR ZONING PURPOSES AND AMENDING THE
TOWN OF MUNSTER ZONING ORDINANCE.
(MILNE ADDITION PLANNED UNIT DEVELOPMENT)**

WHEREAS, the Town Council of the Town of Munster, Indiana (hereinafter the "Council"), did previously adopt an ordinance known as the Munster Municipal Code Chapter 29 and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961 (hereinafter the "Zoning Ordinance"); and

WHEREAS, Milne Plumbing Supply Company, Inc. (hereinafter "Milne"), filed a petition with the Plan Commission of the Town of Munster, Indiana (hereinafter the "Plan Commission"), to re-subdivide certain real estate within the Town of Munster and to cause it to be rezoned to a Commercial Planned Unit Development, which real estate (hereinafter the "Real Estate") is described as follows:

Description: Lots 1, 2 and 3 in Milne Addition to the Town of Munster, as recorded in Plat Book ____, Page No. ____, in the Office of the Recorder of Lake County, Indiana.

WHEREAS, said petition was assigned Plan Commission Number PC 99-014 and considered initially at the regular meeting of September 28, 1999, and

WHEREAS, following notice by publication and notice to interested parties as required by Indiana Code Section 36-7-4-604(b) and Indiana Code

Section 5-3-1-2(b), a public hearing was held by the Plan Commission on October 26, 1999; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was submitted under Section 29-200 of the Zoning Ordinance (hereafter the "Development Plan"), and has recommended that the Zoning Ordinance be amended pursuant to Section 29-201, and has certified said recommendation to the Council pursuant to Indiana Code Section 36-7-4-605, as required by Indiana Code Section 36-7-4-608(b), so as to provide that the Real Estate be classified as a Commercial Planned Unit Development, and has made the following findings as required by Section 29-201 of the Zoning Ordinance:

- 1) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district.
- 2) An amendment to the requirements of this Chapter 29 of the Zoning Ordinance is warranted by the design and amenities incorporated in the Development Plan.
- 3) Land surrounding the proposed development either can be planned in coordination with the proposed development or will be compatible in use.
- 4) The proposed change to a planned unit development district is in conformance with the general intent of the comprehensive master plan.

5) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.

6) Existing and proposed utility services are adequate for the proposed development.

7) The development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

8) The proposed planned unit development district and all proposed buildings, parking spaces, landscape and utility areas can be completely developed within five (5) years of the establishment of the district.

NOW, THEREFORE, BE IT ORDAINED, by the Council that the Zoning Ordinance is hereby amended and modified and that the Real Estate, all lying within the municipal corporate limits of the Town of Munster, Lake County, Indiana, be rezoned as a Commercial Planned unit Development as follows:

SECTION 1. REZONING. The Real Estate is hereby zoned as a Commercial Planned Unit Development district (hereinafter the “District”), subject to the use restrictions and developmental requirements herein provided.

SECTION 2. USE RESTRICTIONS. Use of the District shall be limited to those uses permitted in a Commercial Zoning District as set out in Chapter 29 of the Munster Town Code.

SECTION 3. DEVELOPMENT REQUIREMENTS. The Real Estate consists of three (3) adjoining parcels of real estate, after filing of the re-subdivision plat which was concurrently approved by the Plan Commission on October 26, 1999. Lot 1 as designated in the site plan and plat of re-subdivision shall be used for construction of a metal storage building, and shall be Phase One of the proposed development. Lot 2 shall be used for a two-story masonry building to house applicant's plumbing supplies business; and shall be Phase Two of the proposed development. Lot 3 shall be used for construction of a retail commercial building housing several retail businesses; and shall be Phase Three of the development, as set out and confirmed in applicant's development plan.

1) In meeting the ingress and egress or entryway, parking, utilities, and engineering requirements for the construction of any additional buildings within the District, the property shall be considered one property and any portion of the property may be used to meet the requirements of the Munster Zoning Code for ingress and egress or entryway, utilities, or engineering. The Replat of Subdivision, Site plan, elevations and related documents submitted, which set out the buildings and structures planned on the property shall be considered part of the development plan of the District.

2) Final engineering approval for each individual lot is required.

3) Final landscaping approval by the Plan Commission shall be required for each lot before the site can begin construction.

SECTION 4. STREETS, GUTTERS, CURBS AND MUNICIPAL SERVICES.

Petitioner shall be required to construct and maintain the roadway for ingress and egress, gutters, curbs and utilities in accordance with the development plan and all applicable ordinances of the Town of Munster.

SECTION 5. COMPLIANCE WITH THE MUNSTER ZONING CODE.

In all other respects, the property shall be subject to and shall comply with all other provisions of the Munster Town Code, Chapter 29, pertaining to a Manufacturing Zoning District.

PASSED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this 8TH day of NOVEMBER, 1999, by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
MUNSTER, LAKE COUNTY, INDIANA

By: _____

Robert A. May
President

ATTEST:

By: Phyllis G. Hays
Clerk-Treasurer

