

## **ORDINANCE NO. 1795**

### **AN ORDINANCE AMENDING CHAPTER 26 SECTION 6 DIVISION 4 OF THE TOWN OF MUNSTER MUNICIPAL CODE TO CLARIFY PROVISIONS RELATED TO THE LANDSCAPING REQUIREMENTS FOR COMMERCIAL DEVELOPMENTS**

**WHEREAS**, the Town of Munster, its Staff, and consultants have reviewed and recommended various changes to the Town of Munster Zoning Code; and

**WHEREAS**, based upon those recommendations, the Munster Plan Commission has conducted a public hearing after due notice as required by law on the proposed amendment; and

**WHEREAS**, the Town of Munster, after said public hearing and after due deliberation, has concluded that amendments to Chapter 26 Section 6, Character-Based Code, are appropriate; and

**WHEREAS**, the Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Chapter 26, Section 6 Character-Based Code of the Munster Code of Ordinances, and more particularly, Division 4 - Supplemental Standards, now, therefore, be it

**ORDAINED**, THAT THE MUNSTER LAND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

CHAPTER 26 – SECTION 6 – DIVISION 4 is amended as set forth herein.

#### **Article 1. Statutory Authorization, Certification, and Purpose.**

##### **Section A. Statutory Authorization.**

The Indiana Legislature has in I.C. 36-7-4, et seq., granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Munster does hereby adopt the following regulations.

##### **Section B. Certification per I.C. 36-7-4-605.**

- (1) The Plan Commission of the Town of Munster has studied and reviewed the previous ordinances of the Town of Munster, as amended, and has found the same to be in need of revision.
- (2) The Plan Commission has approved the changes in CHAPTER 26 – SECTION 6 – DIVISION 4, and has forwarded to the Town Council revisions with a favorable recommendation, which Certification is dated February 11, 2020, and is in the following words and figures, to-wit:

##### **Section C. Statement of Purpose.**

It is the purpose of this Ordinance to revise the Munster Zoning Ordinances and promote the public health, safety, aesthetics and general welfare of the Town of Munster and to establish a site plan review committee.

#### **Article 2. Character Based Code**

**The following text is amended into Chapter 26, Section 26-6.405.P.1.**

*e. In addition, in all Districts and Civic Zones, the following improvements require the provision of private lot landscaping in the manner described here:*

1. *New development - All landscaping requirements shall be met.*
2. *Construction of a new principal building or construction of an addition to a principal building – All landscaping requirements shall be met.*
3. *Modifications of the exterior of a principal building that require a building permit and include architectural or building material changes*
  - a. *Where the cost is greater than or equal to \$25,000 and less than \$100,000*
    - i. *Screening and perimeter screening requirements shall be met for the entire parking area or parking lot.*
    - ii. *Existing landscaped areas shall be brought into compliance with current landscaping standards.*
  - b. *Where the cost is greater than or equal to \$100,000 – all parking area and parking lot landscaping requirements shall be met.*
4. *Modifications of the interior of a principal building that require a building permit, not including maintenance, where the cost is greater than or equal to \$100,000 – All landscaping requirements shall be met.*
5. *Over fifty percent (50%) of the total area of an existing parking lot is reconstructed – All requirements shall be met for entire parking area or parking lot.*
6. *Parking Area or Parking Lot expansions*
  - a. *Parking Area or Parking Lot expansions in which the number of additional parking spaces that will be provided is less than twenty-five percent of the number of existing parking spaces on the site or the lot is expanded by less than twenty-five percent in total surface area.*
    - i. *Screening requirements shall be met for the entire parking area or parking lot.*
    - ii. *New portions of the parking area or parking lot shall meet requirements for internal landscaping.*
  - b. *Parking area or parking lot expansions in which either the number of additional parking spaces is greater than or equal to twenty-five percent of the number of existing parking spaces on the site or the parking area or parking lot is expanded by twenty-five percent or more in total surface area.*
    - i. *Screening and perimeter screening requirements shall be met for the entire parking area or parking lot.*
    - ii. *Internal landscaping requirements shall be met for the entire parking area or parking lot.*
7. *Restoration or modification of an existing landscaped area – Restored or modified areas shall be brought into compliance with current landscaping standards.*
- f. *The Planning Director may modify the amount of landscaping required by this Section for existing parking areas or parking lots, including exempting existing parking areas or parking lots from providing landscaping, if such landscaping would reduce the number of parking spaces and result in a nonconformity.*

**The following text is amended into Chapter 26, Section 26-6.405.P.1.**

Any Parking Area or Parking Lot in the First or Second Lot Layer shall be Screened from the public right-of-way in accordance with ~~Section 26-6-405-N~~ the following:

*The Parking Area or Parking Lot shall be Screened from the public right-of-way with a perimeter planting strip a minimum of 7 feet in width from front to back planted adjacent to the public right-of-way containing all of the following:*

*A hedge screen between 3 feet and 3.5 feet in height adjacent to the edge of the public right-of-way.*

*Shade trees planted at a rate of one per 30 feet of linear frontage (where overhead utility conflicts prohibit shade trees, small or medium trees shall be planted at intervals equal to their mature canopy).*

*An ornamental metal fence screen or a wall screen between 3 feet to 3.5 feet in height installed a minimum of two feet from the inside of the parking area or parking lot curb.*

**Article 3. Severability.**

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**Article 4. Effective Date.**

This Ordinance shall be in full force and effect from and after its passage and signing by the members of the Munster Town Council.

**ORDAINED AND ADOPTED** by the Town Council of the Town of Munster, Lake County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

Town Council of the Town of Munster,  
Lake County, Indiana

\_\_\_\_\_  
Lee Ann Mellon, President

ATTEST:

\_\_\_\_\_  
Wendy Mis, Clerk-Treasurer