

ORDINANCE NO. 1847

AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 TABLE 26-6.405.A-6, TABLE 26-6.405.A-7, TABLE 26-6.405.A-8, TABLE 26-6.405.L-1 OF THE TOWN OF MUNSTER MUNICIPAL CODE DESIGNATING THE RESIDENTIAL PORTION OF LIVE/WORK, MIXED-USE, OR FLEX BUILDING USE A CONDITIONAL USE IN THE CD-4.A, CD-4.B, AND CD-5 DISTRICTS

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

WHEREAS, based upon those recommendations, the Munster Plan Commission conducted a public hearing on PC Docket No. 21-018 on October 12, 2021, after due notice as required by law on the proposed amendments; and

WHEREAS, the Town of Munster, after said public hearing and after due deliberation, has concluded that amendments to Chapter 26 Article 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, *TABLE 26-6.405.A-6*, *TABLE 26-6.405.A-7*, *TABLE 26-6.405.A-8*, *TABLE 26-6.405.L-1*, now, therefore, be it

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

CHAPTER 26 – ARTICLE 6 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 and has forwarded to the Town Council the revisions with a favorable recommendation, certified in the adopted Findings of Fact dated October 12, 2021.

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

Chapter 26, Article 6 is amended as shown below; the following strikethrough text is deleted, and underlined text is added:

TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT.

PRINCIPAL USE	CD-4.A
RESIDENTIAL/DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P <u>CU</u>
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP

TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT. PRINCIPAL USE

PRINCIPAL USE	CD-4.B
RESIDENTIAL/DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P <u>CU</u>
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP

TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT. PRINCIPAL USE

PRINCIPAL USE	CD-5
RESIDENTIAL/DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P <u>CU</u>
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP

TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE.

PRINCIPAL USE	CD-3	CD-3.R1	CD-3.R2	CD-3.R3	CD-4.R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
RESIDENTIAL/DWELLING USE CATEGORY											
Assisted Living Apartment	NP	NP	NP	NP	P	NP	NP	NP	*	NP	NP
Attached Dwelling – Rowhouse	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Attached Dwelling – Multi-Family	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Independent Living Apartment	NP	NP	NP	NP	P	NP	NP	NP	*	NP	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP	NP	NP	NP	NP	P CU	P CU	P CU	NP	NP	NP
Single-Family Detached Dwelling	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Two-Family Detached Dwelling or Duplex	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Other Residential Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

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 _____, 2021, by a vote of _____ in favor and _____ opposed.

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

Andy Koultourides, President

ATTEST:

Wendy Mis, Clerk-Treasurer