



To: Members of the Town Council

From: Tom Vander Woude, Planning Director
Dustin Anderson, Town Manager

Date: November 10, 2021

Re: Consideration of zoning code text amendments designating the Residence 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 (PC Docket 21-018).

The purpose of this memo is to request Town Council approval zoning code text amendments designating the Residence 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.

Background

On December 23, 2019, the Munster Town Council approved Ordinance 1788 and adopted the Munster Character-Based Code replacing a code that had been in place since 1985. Since the adoption of the code, the Town Council has approved four amendments to the code.

- 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
- ORDINANCE NO. 1800: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE PERMITTING CHANGEABLE COPY ON GAS STATION MONUMENT SIGNS
- ORDINANCE NO. 1801: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE SETTING A 6' MAXIMUM HEIGHT FOR FENCES IN SIDE YARDS IN CERTAIN RESIDENTIAL DISTRICTS
- ORDINANCE NO. 1826: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE ADOPTING MULTIPLE TEXT AMENDMENTS TO THE MUNSTER ZONING CODE

In July 2021, members of the Plan Commission asked staff to review the residential density maximums in the CD-4.A, CD-4.B, and CD-5 mixed use districts and to provide information to the Plan Commission to help the Commission determine how to amend them.

A discussion about density standards was held at the August 2021 Plan Commission meeting, which included comments from members of the School Town of Munster school board. Staff believes the key takeaways from that discussion are as follows:

1. The Plan Commission wants to ensure that any mixed-use project with a residential component in Town will not exceed the capacity of the Town's infrastructure or strain the Town's services such as police and fire.
2. The Town does not have complete information about the capacities of its infrastructure and services.

3. The Plan Commission has concerns about the ability of the School Town to accommodate an increase number of students that could result from projects with a high level of residential density.
4. The Plan Commission supports an immediate modification to the zoning ordinance that would allow additional oversight and review of mixed-use projects and a subsequent revision based on research and outreach conducted through a comprehensive planning process that would potentially limit the intensity and locations of mixed-use development.

Further discussion was held at the September 14, 2021 meeting and the Plan Commission voted to move forward with designating all residential in CD-4.A, CD-4.B, CD-5 as a Conditional Use.

Currently the use *Residence Portion of Live/Work, Mixed-Use, or Flex Building* is a permitted use in the CD-4.A, CD-4.B, and CD-5 districts. This is the only residential use permitted in any of these districts. By designating this as a Conditional Use, no mixed-use development could occur in the Town without the approval of the Town Council.

The following revisions will implement the designation of the *Residence Portion of Live/Work, Mixed-Use, or Flex Building* as a Conditional Use in the CD-4.A, CD-4.B, and CD-5 districts.

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 CU
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 CU
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 CU
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

The Plan Commission held a public hearing on October 12, 2021 to review the amendments. No remonstrances were made and the Plan Commission voted unanimously to forward a favorable recommendation for approval to the Town Council.

The Town Council heard the first reading of the attached ordinance on November 1, 2021.

Recommendation

The Plan Commission recommends the following:

Motion to adopt Ordinance 1847 amending 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 Munster Zoning Ordinance designating the Residence 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.

Attachments

1. Ordinance No. 1847
2. Adopted findings of fact for PC Docket No. 21-018
3. Certification of PC Docket No. 21-018