



To: Members of the Plan Commission
From: Tom Vander Woude, Planning Director
Date: January 10, 2020
Re: **PRELIMINARY HEARING**

PC 20-001: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to landscaping requirements.

Action Requested: Schedule a Public Hearing
Additional Actions Required: Forward Recommendation to Town Council
Approve Findings of Fact

Background

On December 23, 2019 the Munster Town Council approved Ordinance 1788 and adopted the Munster Character-Based Code as a replacement zoning code.

The previous version of the zoning code contained a provision in the landscaping section that required the installation and maintenance of landscaping in the following instances:

- (a) Building projects that are required to install and maintain landscaping:*
- (1) Construction of any principal building (i.e., the main building or structure, as opposed to an accessory use or structure).*
 - (2) Additions to buildings whose total square footage is in excess of 1,500 square feet of floor area.*
 - (3) Repair or rehabilitation of a building if the cost exceeds \$10,000.00 of the building's replacement cost, whichever is greater.*
- (b) Parking lots and any other vehicular use areas, as defined in section 26-1310, that are required to install and maintain landscaping, as defined in section 26-1303:*
- (1) Construction of any vehicular use area of 1,200 square feet or more which is visible from a public right-of-way.*
 - (2) Construction of any vehicular use area of 1,200 or more contiguous to a residence district or existing institution (e.g. schools, hospitals, churches, etc.).*
 - (3) Repair, rehabilitation, or expansion of any existing parking lot or other vehicular use area more than 1,200 square feet if such repair, rehabilitation, or expansion would increase the number of existing parking spaces by more than 25 percent or four spaces, whichever is less.*

This provision was beneficial and resulted in properties being updated and enhanced. In numerous instances, though, owners of properties that were already developed were unable to comply with the landscaping requirements and had to seek variances in order to redevelop their properties.

While drafting the new Character-Based code, we recognized that in order to promote incremental improvements to the built environment, proportional site improvements should be an integral component of construction projects. The key idea is that of proportion. For example, there are certain instances when a major project, such as a rebranding or a significant expansion of a building or a parking lot, should require

substantial updates to the landscaping as well. Conversely, a minor improvement should only require minor landscaping enhancements. We discussed some strategies to meet this goal, but they were not incorporated into the adoption draft of the code.

The new Character-Based Code eliminates most of the “triggers” in the previous code and requires landscaping only for new property improvements or existing improvements that are modified.

6. Certain Changes to Improvements Requiring Compliance with Requirements.

a. If any Alteration to a nonconforming Improvement on a parcel of land or part thereof is limited solely to the following, such Improvement must comply with all requirements of this Article with respect to such Improvement, but such Alteration shall not result in the termination of the legal status of any other nonconforming Improvements on such land:

- i. Parking Area or Parking Lot changes;*
- ii. Private landscaping;*

To strike a balance between the two approaches, we recommend the language below be incorporated into the code via a text amendment. This proposal does not alter in any way the standards of the new code, but instead provides a procedure for its implementation. It also offers an opportunity to receive relief from the standards through an administrative approval rather than a variance.

Applicability

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. Remodel, renovation, or rehabilitation of the exterior of a principal building
 - a. Where the cost is greater than or equal to \$25,000 and less than \$100,000
 - i. Street screening and perimeter screening requirements shall be met for the entire 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 lot landscaping requirements shall be met.
4. Remodel, renovation, or rehabilitation of the interior of a principal building 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 lot.
6. Parking lot expansions
 - a. 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. Street screening requirements shall be met for the entire parking lot.
 - ii. New portions of the parking lot shall meet requirements for internal landscaping.

- b. 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 lot is expanded by twenty-five percent or more in total surface area.
 - i. Street screening and perimeter screening requirements shall be met for the entire parking lot.
 - ii. Internal landscaping requirements shall be met for the entire parking lot.
- 7. Restoration or modification of an existing landscaped area – Restored or modified areas shall be brought into compliance with current landscaping standards.

Properties with nonconforming parking lots located in the first lot layer which are subject to landscaping requirements must satisfy the street screening requirement with a perimeter planting strip 7' in depth planted adjacent to the public ROW containing all of the following:

- 1. A hedge screen adjacent to the sidewalk.
- 2. Shade trees planted at 30' intervals (where overhead conflicts prohibit shade trees, small or medium trees shall be planted at intervals equal to their mature canopy).
- 3. A fence screen or wall screen installed a minimum two feet from the inside of the parking lot curb.

The Planning Director may modify the amount of landscaping required by this Section or exempt existing parking lots from providing landscaping if such landscaping would reduce the amount of parking spaces and create a nonconformity.

Process

Amendments to the zoning code require a public hearing before the Plan Commission and Town Council approval.

Recommendation

The Plan Commission may wish to consider the following motion:

Motion to schedule a public hearing for PC 20-001: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to landscaping requirements.