



TOWN OF MUNSTER

APRIL 2021 ZONING AMENDMENTS

MUNSTER TOWN COUNCIL

APRIL 13, 2021

BACKGROUND

- December 2019 – Ordinance 1788 repeals and replaces zoning code and map in its entirety
- April 2020 – Ordinance 1795 amends landscaping section clarifying when and how redevelopment projects are to be landscaped
- July 2020 – Ordinance 1800 permits changeable copy on gas station monument signs
- July 2020 – Ordinance 1801 permits 6-foot fences in side yards











PROCESS

- After replacement of code, staff tracked discrepancies and conflicts
- March 9, 2021 - Staff presented summary of proposed amendments to Plan Commission
- March 10, 2021- April 9, 2021 Staff revised amendments and published notice of public hearing
- April 13, 2021 – Plan Commission holds public hearing on amendments, approve a recommendation to the Town Council, and adopt findings of fact
- April 19, 2021 – Town Council to consider adoption of amendments

BACKGROUND:

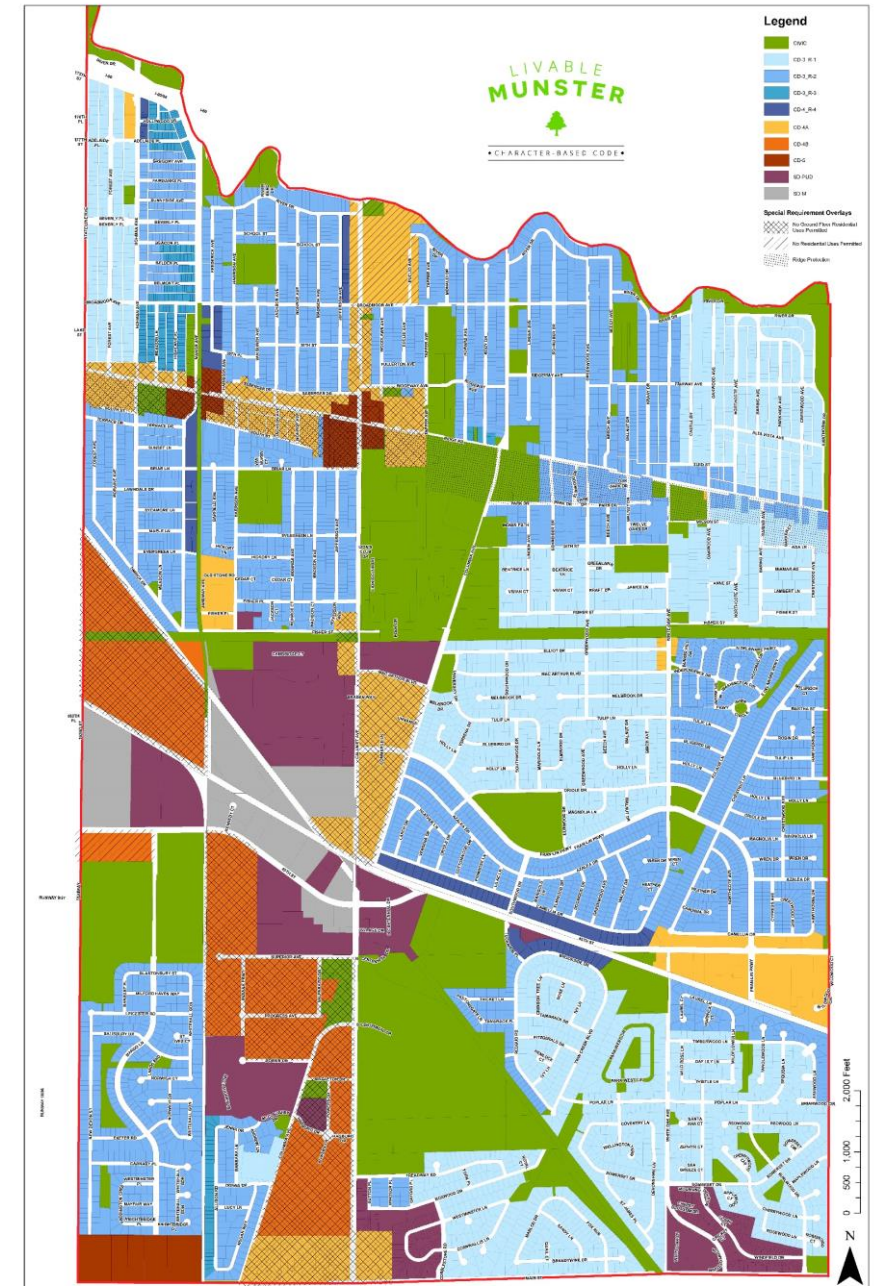
ZONING MAP

LEGEND

	CIVIC	GOVERNMENT, PARKS, SCHOOLS, TRAILS
	CD-3 R-1	SINGLE-FAMILY RESIDENTIAL
	CD-3 R-2	
	CD-3 R-3	
	CD-4 R-4	SINGLE-FAMILY + TWO-FAMILY
	CD-4.A	MIXED-USE (COMMERCIAL+MULTIFAMILY RESIDENTIAL)
	CD-4.B	
	CD-5	
	SD-PUD	PLANNED UNIT DEVELOPMENT
	SD-M	MANUFACTURING

SPECIAL CONSIDERATIONS

	NO GROUND FLOOR RESIDENTIAL
	NO RESIDENTIAL
	RIDGE PROTECTION



MINOR AMENDMENTS:

Missing Elements and Clarifications

Accessory Structures

Patio Decks

ADA Ramps

Driveways

Parking Surface

Residential Corner Side Yards

Principal Buildings

MINOR AMENDMENTS:

Missing Elements and Clarifications

Accessory Structures in Residential Districts – CD-3 R-1, CD-3 R-2, CD-3 R-3, CD-4 R-4

Current:

- Lot coverage - Accessory structures shall not exceed 900 ft.
- Height - 4 Stories or 50 ft. max

Proposed:

- Lot coverage - The combined area of all Accessory Structures shall not exceed the lesser of 30% of the rear yard or 900 sf.
- Height – The lesser of 16 ft or the height of the Principal Building

Rationale: Inadvertently deleted from the 2019 code

MINOR AMENDMENTS:

Missing Elements and Clarifications

Patio Decks

CD-3 R-1, CD-3 R-2, CD-3, R-3 CD-4 R-4, CD-4.A, CD-4.B, CD-5

Current:

- Patio Decks listed as a permitted encroachment in front, side, and rear setbacks

Proposed:

- Delete “Patio”
- In residential districts, prohibit encroachment into side yard, limit encroachment in front yard to 5 feet.

Rationale: Clarify meaning of term, establish consistency between porches and decks

MINOR AMENDMENTS:

Missing Elements and Clarifications

ADA Ramps

CD-3 R-1, CD-3 R-2, CD-3 R-3 CD-4 R-4, CD-4.A, CD-4.B, CD-5

Current:

- ADA Ramps are not permitted encroachments

Proposed:

- Permit ADA Ramps as encroachments in all setbacks

Rationale: Promote accessibility to homes and businesses for disabled persons

MINOR AMENDMENTS:

Missing Elements and Clarifications

Off-Street Parking Surface

CD-3 R-2, CD-3 R-3, CD-4 R-4

Current:

- Off-Street Parking Surface – Not Regulated

Proposed:

- Shall be graded and surfaced with concrete, asphalt, or other material approved by the Town Engineer or Building Official.

Rationale: Standard is currently included in CD-3 R-1; this will establish consistency between residential districts.

MINOR AMENDMENTS:

Missing Elements and Clarifications

Corner Side Yards

CD-3 R-1, CD-3 R-3

Current:

- No separate standard for corner side yards.

Proposed (Note: error in attached list):

- Exterior Side Yard Lines of Corner Lots must be: (a) min distance from the side street line equal to lesser of (a) 10% of the depth of the Lot measured at right angles to such side street or (b) ten feet unless the side street line is in a Block with a Lot or Lots with Frontage on the same side of the street, in which case, the exterior Side Yard Line at the rear of such Corner Lot shall be the same as the established Front Yard Line of such other Lots For each foot that any Building located on such Corner Lot is distant from the rear of the Lot, such Building may be 6" nearer to the side street line, but in no case shall the exterior Side Yard Line along such side street be less than 10% of the dimension of the Lot measured at right angles to the side street line.

Rationale: Standard is currently included in CD-3 R-2; this will establish consistency between single-family residential districts.

MINOR AMENDMENTS:

Missing Elements and Clarifications

Number of Principal Buildings

CD-3 R-1, CD-3 R-3, CD-3 R-3

Current:

- Not regulated

Proposed:

- 1 Principal Building per Lot.

Rationale: Single-family homes are required to be on individually platted lots. Amendment establishes consistency throughout the code and the subdivision ordinance.

MINOR AMENDMENTS:

Missing Elements and Clarifications

Driveways

CD-4.A, CD-4.B, CD-5

Current:

- Driveway/Vehicular Entrance Maximum Width - 10' max in 1st and 2nd Lot Layers

Proposed:

- Delete

Rationale: Eliminate redundancy. Standard is repeated in another section.

MINOR AMENDMENTS: Development Standards

Principal Building Side Setback

Maximum Lot Width

Off-Street Parking Location

Façade Articulation

Screens

Outdoor Dining Conditional Use standards

MINOR AMENDMENTS:

Development Standards

Principal Building Side Setback

CD-4.A, CD-4.B, CD-5

Current:

- CD-4.A, CD-4.B – no maximum side setback
- CD-5 – 24 foot maximum per side

Proposed:

- CD-4.A, CD-4.B – 130 ft. maximum combined
- CD-5 – 30 foot maximum per side; May be increased to 54 ft. max on one side where adjacent to a CD-4 District and where other side setback(s) are 0-6 ft.

Rationale: Restricts side yard parking lots in CD-4.A and CD-4.B districts to four rows of parking plus drive aisles to maintain consistency with frontage buildout requirements; Permits flexibility in the edges of the CD-5 district by allowing driveways to be consolidated on a single side for limited parking.

MINOR AMENDMENTS:

Development Standards

Maximum Lot Width

CD-4.A, CD-4.B, CD-5

Current:

- CD-4.A, CD-4.B – 180 feet
- CD-5 – 100 feet

Proposed:

- CD-4.A, CD-4.B – eliminate
- CD-5 – 180 feet

Rationale: Allow additional flexibility in mixed-use districts to encourage redevelopment without the need for a variance.

MINOR AMENDMENTS:

Development Standards

Off-Street Parking Location

CD-4.A, CD-4.B

Current:

- CD-4.A, CD-4.B – 3rd Lot Layer only

Proposed:

- CD-4.A, CD-4.B – 2nd Lot Layer if screened by hedge and fence; 3rd lot layer

Rationale: Allow additional flexibility in mixed-use districts to encourage redevelopment without the need for a variance, establish consistency between new projects and existing developments.

MINOR AMENDMENTS:

Development Standards

Façade Articulation

CD-4.B

Current:

- A Façade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Façade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of Wall material or Wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Façade elements; and (2) is composed with a defined center and edges.

Proposed:

- Eliminate

Rationale: Allow additional building design flexibility in the CD-4.B district in keeping with the original intention of the district.

MINOR AMENDMENTS: Development Standards

Screens

CD-4.A, CD-4.B, CD-5

Current: See image

Proposed:

- Next slide

Rationale: Clarify and make consistent with parking lot landscaping requirements (Ord. 1795

CD-4.A

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

Screens	
Location	Any Streetscreen shall be located coplanar with the Facade
Wall Screen Height at Frontage or Adjacent to Civic Space	3 ft. to 3.5 ft.
Hedge Screen Height at Frontage or Adjacent to Civic Space	3 ft to 3.5 ft. at installation, planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%
Wall or Fence Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft.; Min. 6' for Dumpsters and Trash Receptacles
Hedge Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft. at installation; Min. 80% opacity within 12 in of grade.
Materials	Wall Screen or Wall Streetscreen: Masonry Fence Screen or Fence Streetscreen: Wood Hedge Screen or hedge Streetscreen: Must consist of evergreen plants having a height between 3 ft. and 3.5 ft., planted 15 ft. on center, with an opacity from the ground through the highest portion of the hedge of at least 90%.
Non-Residential & Multi-Family Residential Screen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	None Required

Screens (continued)	
Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R , except at Driveways: Parking Lots and Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building or opaque Wall Screen, Hedge Screen, or Fence Screen.
Satellite Dish Screen	R
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R , shall be Screened from Frontage and Civic Space by Building parapet or other Building Element

MINOR AMENDMENTS: Development Standards

Screens

Applicability

Except at Driveways: Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment shall be Screened from Frontage, Civic Space and Adjacent Property by a Building or Screen.		
Rooftop Antennas and HVAC, Mechanical and other Equipment shall be screened from Frontage and Civic Space by a Building parapet or Building Element.		
Except where Building has 0' Setback: A Screen is required where a non-residential CD-4.A property abuts a CD-3.R1, CD-3.R2, CD-3.R3, CD-3.R4 district.		

Types of Screens

Materials

Fence	Solid wood	
Wall	Masonry - brick or stone	
	A single row of shrubs with a minimum mature width of 24 inches each, spaced at the lesser of 36 inches or their mature width	
Hedge	A Hedge screen planted adjacent to an ornamental metal fence or a wall screen	
Enhanced Hedge		

Specific Standards

Permitted Screen Type

Height

Parking Lot or Parking Area at Frontage	Wall, Enhanced Hedge	3'-3.5'
Parking Lot or Parking Area Adjacent to Civic Space	Wall, hedge	3'-3.5'
Parking Lot or Parking Area Adjacent to an Alley	Wall, hedge, fence	3'-3.5'
Parking Lot or Parking Area adjacent to a CD-3.R1, CD-3.R2, CD-3.R3, CD-3.R4 districts	Wall, fence	3'-6' in 1st lot layer; 6' in 2nd and 3rd lot layer
Parking Lot and Parking Area adjacent to a Parking Area or Parking Lot	N/A	N/A
Dumpster and Trash Receptacles	Wall, fence	6'
Loading Areas	Wall, fence	6'
Service Areas	Wall, fence	6'
Outdoor Storage	Wall, fence	6'
Drive-Throughs	Wall, hedge, fence	3'-3.5'
HVAC and other equipment	Wall, hedge, fence	Equal to the height of the equipment

MINOR AMENDMENTS:

Development Standards

Outdoor Dining Conditional Use standards

CD-4.A, CD-4.B, CD-5

Current:

A Restaurant with Outdoor Dining must meet the following requirements:

- I. The Outdoor Dining area may not be fenced.
- II. The Outdoor Dining area may encroach the public right of way only if it leaves clear at least a 4 ' clear walkway.
- III. Outdoor dining furniture must be made of aluminum, stainless steel, painted metal, or durable finished wood.

Proposed:

A Restaurant with Outdoor Dining must meet the following requirements when visible from the public right-of-way

- I. The Outdoor Dining area may encroach the public right of way only if it leaves clear at least a 4 ' clear walkway.
- II. Outdoor dining furniture must be made of aluminum, stainless steel, painted metal, or durable finished wood.
- III. Any umbrellas or sun shades must be made of canvas.

Rationale: Eliminate regulation of aesthetics not visible from the public right-of-way; eliminate unnecessary fencing prohibition; regulate umbrellas in addition to other furniture.

MINOR AMENDMENTS:

Generally Applicable Standards

Private Lighting Standards
Tree Replacement
Parking maximums

MINOR AMENDMENTS:

Generally Applicable Standards

Private Lighting Standards

CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- Developments in SD-M and SD-PUD districts exempted from Areas to be lighted.
- A minimum of one foot-candle (1.0 fc) of illumination shall be provided throughout Parking Areas, Parking Lots, and Parking Structures.
- Ornamental fixtures and poles required.

Proposed:

- Lighting required for developments in SD-M and SD-PUD districts.
- Illumination of Parking Areas, Parking Lots, Parking Structures, and all pedestrian ways shall be provided at an average of 1.0-2.5 foot candles and a minimum of 0.4 foot candles.
- ~~Appearance of fixtures and poles not regulated.~~ NOTE: STRUCK BY PLAN COMMISSION

Rationale: Establish consistency throughout zoning districts; provide a more flexible lighting standards while maintaining a safe minimum illumination level; eliminate an unusual and costly requirement for ornamental fixtures/poles.

MINOR AMENDMENTS:

Generally Applicable Standards

Tree Replacement

CD-3 R-1, CD-3 R-2, CD-3 R-3, CD-4 R-4, CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- Trees of ten inches (10”) DBH or greater that are removed for development shall be replaced.

Proposed:

- Exemptions for diseased, dying, unsafe, or invasive trees; clarified process for replacing trees or paying a fee-in-lieu
 - See next page

Rationale: Attorney advised that current ordinance should be amended. Provides clarity for administration of ordinance.

MINOR AMENDMENTS:

Generally Applicable Standards

Tree Replacement

CD-3 R-1, CD-3 R-2, CD-3 R-3, CD-4 R-4, CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Proposed:

- a. Priority shall be given to preserving and protecting significant Trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat.
- b. The following trees shall not be used to calculate the requirement for replacement or contribution to the Tree Fund and are exempt from the replacement requirements of this Section 26-6.405.P:
 - i. Trees with a DBH of less than 10 inches;
 - ii. Trees determined to be invasive by a State of Indiana or federal agency or similar organization;
 - iii. Trees that are a safety hazard to pedestrians or vehicular traffic;
 - iv. Trees that cause a safety hazard to a building;
 - v. Trees that are diseased or substantially weakened.
- c. Removal.
 - i. On an unimproved lot or parcel, up to three non-exempt trees may be removed within a calendar year. However, if the lot or parcel contains more than one acre of tree canopy, up to three non-exempt trees per acre may be removed within the tree canopy within a calendar year.
 - ii. Trees may only be removed as permitted by subsection 22.c.i. unless trees are replaced pursuant to subsection 22.d below.
- d. Replacement or Contribution to Tree Fund. Applicants shall provide a tree survey for areas that are to be cleared for development. The survey shall be conducted by a certified horticulturist. The same horticulturist shall certify compliance with this subsection where trees are removed and replaced.
 - i. Tree replacement shall be based on the below ratio for every non-exempt tree of 10" DBH or greater that is removed in excess of subsection C.1.
 - I.1 to 1 tree replacement to removal for trees that are at least 10 inches DBH, but less than 16 inches DBH;
 - II.2 to 1 tree replacement to removal for trees that are at least 16 inches DBH, but less than 24 inches DBH;
 - III.3 to 1 tree replacement to removal for trees that are at least 24 inches DBH, but less than 30 inches DBH; and
 - IV.4 to 1 tree replacement to removal for trees that are at least 30 inches DBH.
 - ii. Replacement trees shall be:
 - I. Planted on the site from which trees were removed; or
 - II. Planted on a site that is a subsequent phase of the same development; or
 - III. Planted on another site in the Town with the consent of the Town.
 - iii. In lieu of replacement, the applicant may pay a Tree Replacement fee, which is listed in Schedule A. The maximum mandatory contributions per development project shall be:
 - I. For a developer: \$10,000 per project;
 - II. For a building contractor: One percent of the estimated cost of construction as indicated on the application for Building Permit.

MINOR AMENDMENTS:

Generally Applicable Standards

Parking maximums

CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- The number of spaces of parking available to a Lot shall not be less than, nor more than 10% greater than, the number of spaces of parking determined by Table 26-6.405.O-1 (Vehicular Parking Requirements)

Proposed (Note: error in attached list states 200%):

- The number of spaces of parking available to a Lot shall not be less than, nor more than 100% greater than, the number of spaces of parking determined by Table 26-6.405.O-1 (Vehicular Parking Requirements)

Rationale: Staff is not confident that the parking standards are fine tuned to market needs for maximum parking. There is little to no public parking available in commercial districts.

SIGNIFICANT AMENDMENTS

Signs

Fences on Corner Lots

Building Materials

Smoke, Tobacco or CBD Shop

**Legal Non-Conforming Buildings and Structures
and Signs**

SIGNIFICANT AMENDMENTS: SIGNS

Awning Signs

CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- Awning signs are limited to the valance of an awning and may be between 5” and 10” in height.

Proposed:

Where there is no additional wall sign:

- Sign may cover 30% of the awning
- Letter height is increased to 3 feet

Rationale: Existing buildings have non-conforming awnings upon which signs have been installed; substituting an awning sign for a wall sign seems reasonable to staff.

SIGNIFICANT AMENDMENTS: SIGNS

Band Signs/Wall Signs

CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- Width / Height max - 100% width of Facade / max 3 ft

Proposed: Change “Band Sign” to “Wall Sign”

	Material	Letter Height (max)	Overall Height (max)	Illumination
Lot with bldg. setback < 100'	channel letter(s)	24"	36"	internal, external or backlit
	Flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon	36"	48"	external or backlit
Lot with bldg. setback ≥ 100'	channel letter(s)	36"	48"	internal, external or backlit
	Flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon	48"	72"	external or backlit

- Eliminate extraneous “Additional Standards”

Rationale: Eliminates confusing terminology; fine tunes the standards to encourage good design and materials and to permit larger signs for buildings set back far from public streets.

~~SIGNIFICANT AMENDMENTS:~~ ~~SIGNS~~ (NOTE: STRUCK BY PLAN COMMISSION)

~~Monument Signs~~

~~CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ~~

~~Current:~~

- ~~• Area (max) 18 sf~~
- ~~• Height (max) 6 ft, including the base~~

~~Proposed:~~

Base Height (min) the greater of 20% of the overall sign height or 24"		
Sign Size	Height (max)	Area (max)
Lot with bldg. setback < 100'	6'	18 SF
Lot with bldg. setback < 100' and entire sign made of brick, stone, wood or similar material	8'	24 SF
Lot with bldg. setback ≥ 100'	10'	60 SF
Lot with bldg. setback ≥ 100' and entire sign made of brick, stone, wood or similar material	12'	60 SF

~~**Rationale:** Fine tunes the standards to encourage good design and materials and to permit larger signs for buildings set back far from public streets.~~

SIGNIFICANT AMENDMENTS:

Fences on corner lots

CD-3 R-1, CD-3 R-2, CD-3 R-3

Current:

- Fences prohibited in front yards. Residential corner lots defined as having two front yards.

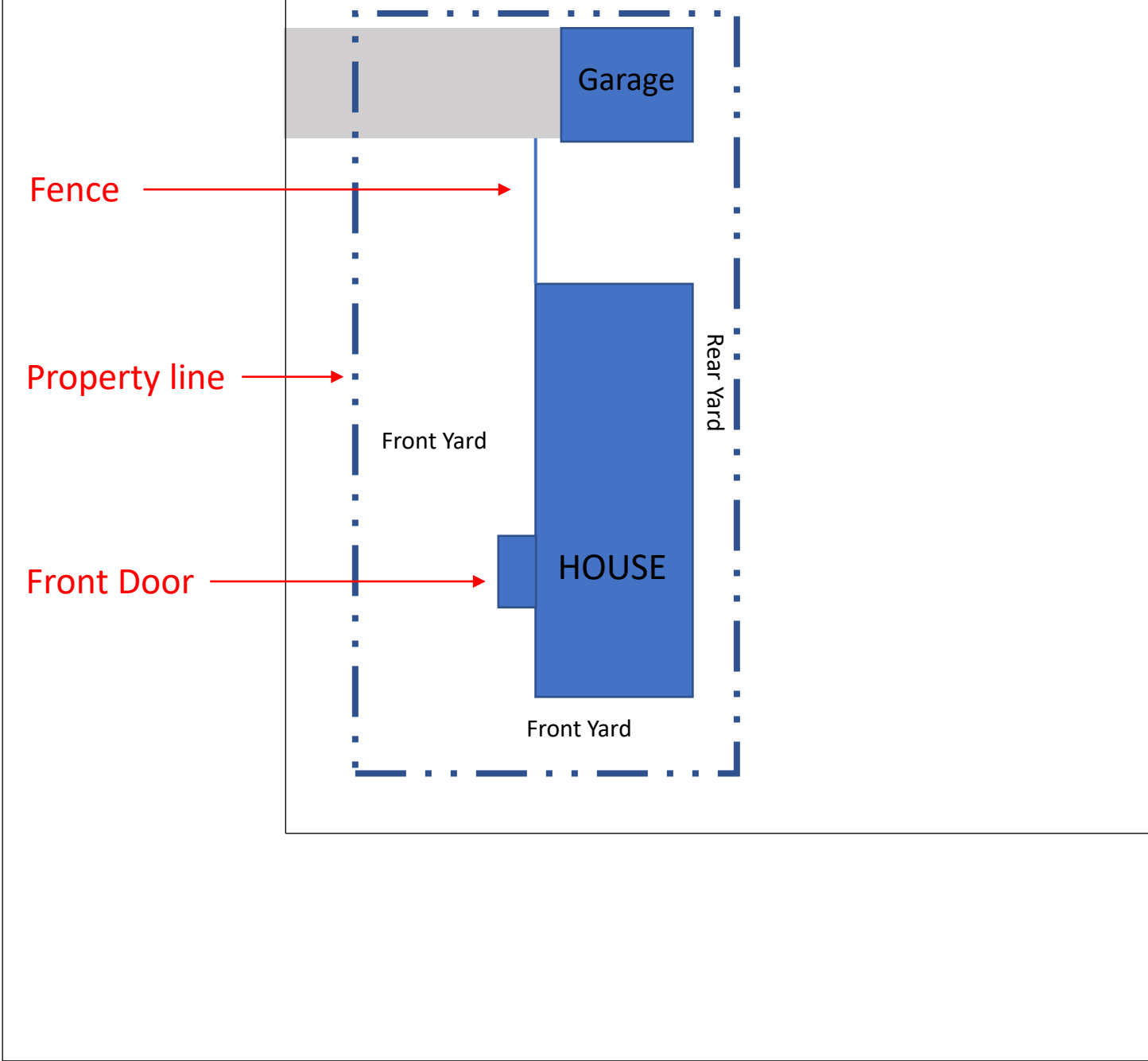
Proposed: Corner Lots

The Front Yard Fence standards shall apply to the shorter street side of the Lot; the Side Yard Fence standards shall apply to the longer street side of the Lot, irrespective of the orientation of the residence, subject to the following exceptions:

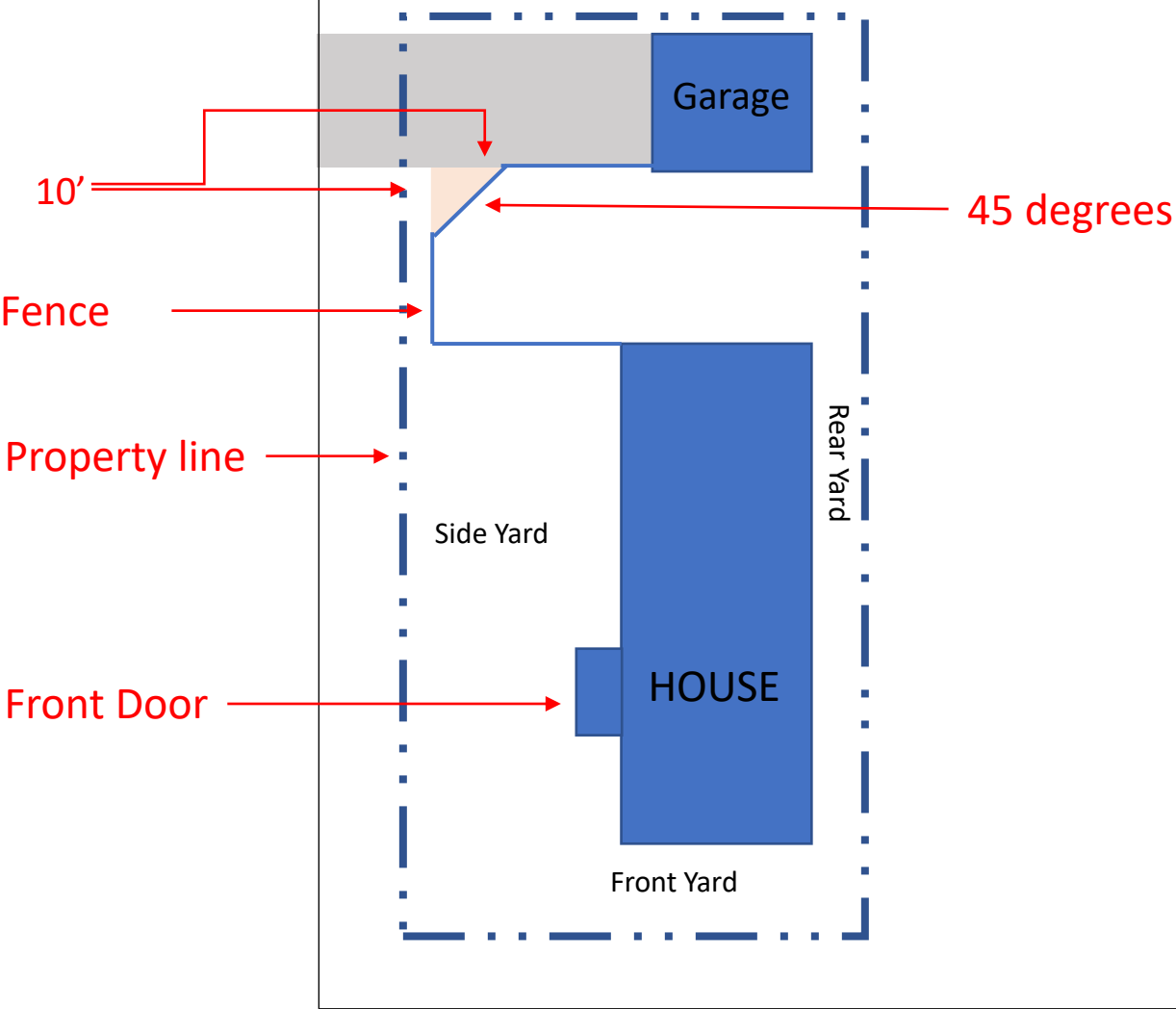
1. Where the Zoning Administrator determines that allowing a Fence on a Corner Lot would hamper traffic visibility, endanger public health or safety, or be detrimental to the aesthetic qualities or property values of neighboring properties, the Front Yard standards shall apply to both Frontages.
2. A Fence may not be constructed within a regular triangular area formed at the corner intersection of a driveway and a property line, the two sides of the triangular area being 10 feet in length measured along the driveway and property line, and the third side being a line connecting these two sides.
3. A Fence must be set back a minimum of three feet from the public right of way.
4. Chain link is a prohibited material.

Rationale: Permits fences that have historically been permitted in the Town of Munster.

Current Ordinance



Proposed Ordinance



SIGNIFICANT AMENDMENTS:

Building Materials

CD-4.A, CD-4.B, CD-5 (note: error in attached list)

Current:

- Primary: brick or natural stone
- Accent: glass, metal, wood, porcelain, ceramic or glass tiles

Proposed:

- Primary: brick or natural stone, cast stone, wood or metal Shopfront, terra cotta, ceramic tile
- Accent: glass, metal, wood, any primary building material, similar materials approved by the Plan Commission
- Prohibited: aluminum sidings, metal industrial type siding, vinyl siding, asphalt siding, and E.I.F.S (synthetic stucco), cedar shakes, concrete masonry units, or plywood siding.

Rationale: Expands permitted material list; provides clarity with respect to prohibited materials.

SIGNIFICANT AMENDMENTS:

Smoke, Tobacco or CBD Shop

CD-4.A, CD-4.B, CD-5

Current:

- Smoke, Tobacco or CBD Shop: any establishment in which greater than ten (10) percent of floor area is devoted to display, sales or storage of tobacco, vaping, or cannabidiol products.

Proposed:

- Smoke, Tobacco or CBD Shop: any establishment in which greater than **five (5)** percent of floor area is devoted to display, sales or storage of tobacco, vaping, or cannabidiol products.

Rationale: Further restricts convenience stores and other retail stores from beginning to sell tobacco, vape, etc. products. Existing stores are still permitted.

SIGNIFICANT AMENDMENTS:

Legal Non-Conforming Buildings and Structures and Signs

CD-3 R-1, CD-3 R-2, CD-3 R-3, CD-4 R-4, CD-4.A, CD-4.B, CD-5, SD-PUD, SD-M, CZ

Current:

- Legal non-conforming buildings, structures, and signs may not be Substantially Modified, Altered, enlarged, increased, or extended to occupy more land

Proposed:

- Buildings and Structures exception: *a Nonconforming Building, Improvement, or Structure may be Substantially Modified or Altered to decrease its nonconformity if the modification or alteration is in conformity with the relevant standards of this article.*
- Signs exception: *any Nonconforming Sign, except a sign mounted on a pole, may be changed to decrease its nonconformity if the change is in conformity with the relevant standards of this article.*

Rationale: Provides flexibility for redevelopment and incremental improvements.