To: Members of the Plan Commission

From: Tom Vander Woude, Planning Director

Date: May 8, 2020

Re: **PRELIMINARY HEARING**

PC 20-005: Town of Munster Plan Commission seeking to amend certain sections of the Munster Zoning Ordinance related to fences in side yards.

Action Requested: Schedule a Public Hearing

Additional Actions Required: Forward Recommendation to Town Council
Approve Findings of Fact

Attachments: Representative photos of fences in side yards

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 expressly permitted the following in residential districts:

- Fences in rear yards with a maximum height of 6'
- Fences in front yards with a maximum height of 42" and an aggregate length of 16'

The code was silent on the subject of fences in side yards; it contained no express permission or restriction and no height maximum. Staff surmises that the side yard fence standards had been interpreted differently throughout the years. When we revised the zoning code last year, our consultant defaulted to a stricter interpretation, restricting the height of fences in side yards to 42" and permitting 6' fences in rear yards only.

A side yard is defined as the area bound by the front face of the building, the rear face of the building, the side of the building and the side lot line and shown in the illustration at right.

This spring, staff has reviewed a number of applications for 6' high fences in side yards and spoken with a handful of residents about the issue. It became clear to us that there is a desire that this should be permitted. In response to these discussions, we conducted a survey of neighborhoods throughout Town and found multiple instances where 6' fences have been installed in side yards. Our conclusion is that permitting them would not

adversely impact the character of any residential neighborhood.

There are no safety, fire, or building codes that would require a shorter fence.

Process

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

Recommendation
Staff is recommending amending the Munster zoning ordinance to increase the maximum permitted height of fences in side yards from 42" to 6' in the CD-3.R-1, CD-3.R-2, CD-3.R-3, and CD-4.R-4 districts.

The Plan Commission may wish to consider the following motion:

Motion to schedule a public hearing for PC 20-005.

Town of Munster Representative Side Yard Fence Photos – May 6, 2020

05/06/2020 14:29:20

05/06/2020 14:27:49

05/06/2020 14:26:00

05/06/2020 14:23:38

05/06/2020 14:21:47

05/06/2020 14:21:12

05/06/2020 14:13:52

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05/06/2020 13:50:28

05/06/2020 13:50:12

05/06/2020 13:48:58

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05/06/2020 13:45:08

05/06/2020 13:45:04

MUSTANG
STRONG
STAY
05/06/2020 13:39:14

05/06/2020 13:37:50

8203
8207
05/06/2020 13:33:19

05/06/2020 15:42:37

05/06/2020 15:40:36

05/06/2020 15:40:12

05/06/2020 15:39:51

05/06/2020 15:39:22

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310
05/06/2020 15:33:04

05/06/2020 15:32:09

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