



To: Members of the Plan Commission

From: Tom Vander Woude, Planning Director

Date: June 17, 2020

Re: Consideration of zoning amendments setting a 6' maximum height for fences in side yards in certain residential districts (PC Docket 20-005).

The purpose of this memo is to request Town Council consideration of amendments to TABLE 26-6.405.A-2, TABLE 26-6.405.A-3, TABLE 26-6.405.A-4, and TABLE 26-6.405.A-5 of the Munster Zoning Ordinances setting a 6' maximum height for fences in side yards in the CD-3.R-1, CD-3.R-2, CD-3.R-3, and CD-4.R-4 districts.

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:

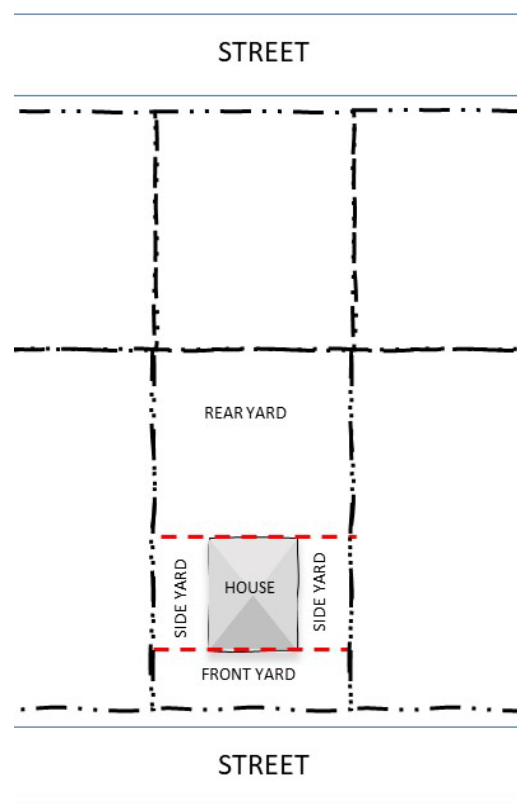
- Fences in rear yards with a maximum height of 6'
- Fences in front yards with a maximum height of 42" and an aggregate length of 16'

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.



The following amendments to the zoning ordinance were proposed 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.

TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD - 70’ LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Walls & Fencing (not including Screens)

Height

42 inches max. in Front ~~and Side~~ Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in side and rear yards ~~Setback~~; height measured above the Finished Grade

TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD - 60’ LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Walls & Fencing (not including Screens)

Height

42 inches max. in Front ~~and Side~~ Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in side and rear yards ~~Setback~~; height measured above the Finished Grade

TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD - 60’ LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Walls & Fencing (not including Screens)

Height

42 inches max. in Front ~~and Side~~ Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in side and rear yards ~~Setback~~; height measured above the Finished Grade

TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN - MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Walls & Fencing (not including Screens)

Height

42 inches max. in Front ~~and Side~~ Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in side and rear yards ~~Setback~~; height measured above the Finished Grade

The Plan Commission held a public hearing on this amendment on June 9, 2020; no one came forward to speak for or against the petition. After closing the public hearing, the Plan Commission voted 6 to 0 to forward a favorable recommendation for approval to the Town Council. The Town Council must adopt, reject, or amend the proposal.

Recommendation

Motion to waive the readings and adopt on first reading Ordinance 1801 amending TABLE 26-6.405.A-2, TABLE 26-6.405.A-3, TABLE 26-6.405.A-4, and TABLE 26-6.405.A-5 of the Munster Zoning Ordinance

setting a 6' maximum height for fences in side yards in the CD-3.R-1, CD-3.R-2, CD-3.R-3, and CD-4.R-4 districts.

Attachments

1. Ordinance No. 1801
2. Certification of PC Decision Regarding Docket No. 20-005
3. Adopted findings of fact for PC Docket No. 20-005
4. Draft minutes of Munster Plan Commission June 9, 2020 regular meeting