

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

WHEREAS, the Town of Munster and its Staff have reviewed and recommended various changes to the Town of Munster Zoning Code; and

WHEREAS, based upon those recommendations, the Munster Plan Commission conducted a public hearing on PC Docket No. 20-005 on June 9, 2020 after due notice as required by law on the proposed amendment; and

WHEREAS, the Town of Munster, after said public hearing and after due deliberation, has concluded that amendments to Chapter 26 Article 6, Character-Based Code, are appropriate; and

WHEREAS, the Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Chapter 26, Section 6 Character-Based Code of the Munster Code of Ordinances, and more particularly, 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, now, therefore, be it

ORDAINED, THAT THE MUNSTER LAND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

CHAPTER 26 – ARTICLE 6 is amended as set forth herein.

Article 1. Statutory Authorization, Certification, and Purpose.

Section A. Statutory Authorization.

The Indiana Legislature has in I.C. 36-7-4, et seq., granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Munster does hereby adopt the following regulations.

Section B. Certification per I.C. 36-7-4-605.

- (1) The Plan Commission of the Town of Munster has studied and reviewed the previous ordinances of the Town of Munster, as amended, and has found the same to be in need of revision.
- (2) The Plan Commission has approved the changes in CHAPTER 26 – SECTION 6, and has forwarded to the Town Council revisions with a favorable recommendation, which Certification is dated June 17, 2020, and is in the following words and figures, to-wit:

Section C. Statement of Purpose.

It is the purpose of this Ordinance to revise the Munster Zoning Ordinances and promote the public health, safety, aesthetics and general welfare of the Town of Munster and to establish a site plan review committee.

Article 2. Character Based Code

Chapter 26, Article 6 is amended as follows:

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

Article 3. Severability.

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Article 4. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and signing by the members of the Munster Town Council.

ORDAINED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this _____ day of _____, 2020, by a vote of _____ in favor and _____ opposed.

Town Council of the Town of Munster,
Lake County, Indiana

Lee Ann Mellon, President

ATTEST:

Wendy Mis, Clerk-Treasurer