

TOWN OF MICHIANA SHORES, INDIANA

ORDINANCE NO.: 2014 - 04

**AN ORDINANCE AMENDING
THE REGULATION OF FENCES IN COMMERCIAL ZONES
IN THE TOWN OF MICHIANA SHORES, INDIANA**

WHEREAS, the Town Council of the Town of Michiana Shores, Indiana, has jurisdiction over the incorporated area of the Town for purposes of zoning and land use regulation; and,

WHEREAS, the Town Council has enacted zoning ordinances for the purposes of promoting the public health, safety, comfort, morals, convenience and general welfare of the community; and,

WHEREAS, the Town's Zoning Ordinances and Code regulates how real property is developed, maintained and used, including the regulation of yards, setbacks and fences in Town; and,

WHEREAS, the Town Council saw a need to update and amend the regulation of setbacks of fences in Commercial Districts to improve the regulations for purposes of public safety and to reduce the number of motor vehicle accidents at corner lots in the Town; and,

WHEREAS, the Town Council sent an Inducement Resolution asking the Plan Commission to amend the fence regulations in the Commercial Districts; and,

WHEREAS, the Plan Commission duly advertised a public hearing, held a public hearing and passed an amendment at a May 6, 2014 meeting and certified the action to the Town Council; and,

WHEREAS, the Town Council now finds that the proposal should be enacted,

NOW THEREFORE BE IT APPROVED, ORDAINED and ENACTED by the Michiana Shores Town Council, LaPorte County, Indiana, that Regulation of Fences provisions of the Town of Michiana Shores Zoning Code be amended to update the provisions governing setbacks for fences in the Commercial District as follows and for the state purpose:

Section I. (Purpose) The purpose for this amendment is to clarify existing fence regulations in Commercial Districts and implement changes to improve public safety for driver's line of sight at corner lots.

Section II. Title 2 (Zoning Ordinance), Article 2 (Development through Zoning), Chapter 4 (Business District Regulations), Section 5 (Yards and Setbacks) of the Town Code (2-2-4-5) should be and is hereby amended by adding a new subsection H which is to read as follows:

- H. Fences on Corner Lots at street intersections - Notwithstanding other provisions of this section, fences pose a particular problem of blocking vision at intersections. Therefore, while fences may be constructed up to the lot line, a fence may not be in the street right-of-way of any street, road, roadway, drive, driveway, alley, highway or designated street right-of-way and may not be located in that portion of a front, side or rear yard situated within thirty (30) feet of the lot corner formed by the intersection of any two (2) streets, roads, drives, lanes, courts, highways or combination thereof so that there is a clearance at the intersection of such roads, streets or drives, the triangular space to be determined by the two (2) lines at the corner and by a diagonal line connecting the two (2) points on those lot lines that are thirty (30) feet respectively.

Section III. (Repealer Clause) All prior Ordinances, resolutions, codes, policies or parts thereof inconsistent with any portion of this Ordinance are hereby repealed.

Section IV. (Effect of Changes) All violations of prior provisions enforced before the effective date of this ordinance shall be prosecuted and remain punishable as provide in the earlier code. Rights, liabilities or penalties incurred or proceedings begun before the effective date of this ordinance affected by its enactment. Each day a violation of any provision of this ordinance exists is a separate violation of this ordinance.

Section V. (Severability Clause) Of any section, sentence, clause or other part of this Ordinance is adjudged void or of no effect for any reason, the invalidity does not affect any their provision of the Ordinance that can be given effect without the invalid provision.

Section VI. (Emergency Enactment & Effective Date) The Council declares an Emergency exists for the immediate taking of effect of this Ordinance shall be in full force and effect from and after its passage and approval of the Town Council and as otherwise provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MICHIANA SHORES, LA PORTE COUNTY, INDIANA by a majority vote on the 13 day of MAY, 2014.

Town Council of the
Town of Michiana Shores, Indiana