

On motion by **Councilman Hinyub** and seconded by **Councilman Crosby**, the following Ordinance as amended was offered:

ORDINANCE NO. 4780

An ordinance as amended amending the Gretna Code of Ordinances, Chapter 58 –Zoning and subdivisions; by adding a new category titled Screening and Fencing.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances Chapter 58 -Zoning and Subdivisions; by adding a new category Screening & Fencing is hereby amended to read:

1. General Provisions

1.1. Jurisdiction

- a. These regulations shall apply to all the area located within the corporate limits of the City of Gretna, Louisiana. All developments shall meet minimum standards and requirements of these regulations, as amended.
- b. This ordinance or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto.
- c. This ordinance or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances granted shall remain in effect after the effective date of this ordinance, and shall constitute variances to the applicable provisions of this ordinance.

1.2. Purpose

- a. This Screening & Fencing Ordinance is adopted for the purpose of the following:
 - i. Promote the public health, safety, and general welfare,
 - ii. Preserve the character of each area within the City of Gretna,
 - iii. Provide traffic safety.

1.3. Minimum Requirements

- a. The requirements of this Screening and Fencing Ordinance shall be considered as the minimum requirements for the promotion of the public health, safety, and general welfare.

1.4. Conflicting Provisions

- a. All development must comply with relevant Federal and State regulations.
- b. Whenever any provision of this Screening and Fencing Ordinance conflicts from provisions in any other Chapter of the City of Gretna Code of Ordinances, the provisions of this Screening and Fencing Ordinance shall apply.
- c. Where, in any case, different sections of this Screening and Fencing Ordinance specify different requirements, the more restrictive shall apply as determined by the Administrator. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

1.5. Nonconforming Fences and Walls

- a. A lawful fence or wall existing as of the effective date of this zoning code or any amendment to this zoning code, may continue to be used for any purposes permitted in the district provided it is in conformance with the provisions of this section.
- b. A nonconforming fence or wall may be maintained or repaired provided no expansion of the nonconformity occurs.
- c. A nonconforming fence or wall shall not be expanded.
- d. A nonconforming fence or wall which is damaged to 50 percent or less may be repaired provided all construction is in compliance with current construction codes.
- e. If the damage of a nonconforming exceeds 50 percent, restoration or improvement shall not be permitted unless the restoration results in a fence or wall conforming to all applicable requirements of this Fencing and Screening Ordinance.

1.6. Severability

- a. Should any provision of this Screening and Fencing Ordinance be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of this Screening and Fencing Ordinance other than the part declared to be unconstitutional or invalid.

2. Definitions

2.1. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. Class A Tree – A tree species included in Table 2.1: Class A Trees

Table 2.1: Class A Trees	
Scientific Name	Common Name
<i>Acer rubrum</i> var. <i>drummondii</i>	Maple, Swamp Red
<i>Carya illinoensis</i>	Pecan
<i>Celtis laevigata</i>	Hackberry
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ginkgo biloba</i>	Ginkgo
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Magnolia, Southern
<i>Nyssa sylvatica</i>	Black Gum
<i>Pinus elliotii</i>	Pine, Slash
<i>Pinus glabra</i>	Pine, Spruce
<i>Pinus palustris</i>	Pine, Longleaf
<i>Pinus taeda</i>	Pine, Loblolly
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus acutissima</i>	Oak, Sawtooth
<i>Quercus alba</i>	Oak, White
<i>Quercus lyrata</i>	Oak, Overcup
<i>Quercus michauxii</i>	Oak, Swamp Chestnut
<i>Quercus nuttallii</i>	Oak, Nuttall
<i>Quercus phellos</i>	Oak, Willow
<i>Quercus shumardii</i>	Oak, Shumard
<i>Quercus virginiana</i>	Oak, Southern Live
<i>Taxodium ascendens</i>	Cypress, Pond
<i>Taxodium distichum</i>	Cypress, Bald
<i>Ulmus alata</i>	Elm, Winged
<i>Ulmus americana</i>	Elm, American

b. Class B Tree – A tree species included in Table 2.2: Class B Trees

Table 2.2: Class B Trees	
Scientific Name	Common Name
<i>Betula nigra</i>	River Birch
<i>Carpinus caroliniana</i>	Ironwood
<i>Chionanthus virginicus</i>	Fringe Tree
<i>Crataegus opaca</i>	Mayhaw
<i>Lagerstroemia indica</i>	Crepe Myrtle
<i>Ilex opaca</i>	Holly, American
<i>Ilex vomitoria</i>	Yaupon
<i>Ilex x attenuata</i> 'Fosteri'	Holly, Fosters
<i>Ilex x attenuata</i> 'Savannah'	Holly, Savannah
<i>Magnolia virginiana</i>	Magnolia, Sweetbay
<i>Myrica cerifera</i>	Waxmyrtle
<i>Ostrya virginiana</i>	American Hop Hornbeam
<i>Pistacia chinensis</i>	Pistachio
<i>Prunus caroliniana</i>	Cherry Laurel

- c. DBH, diameter breast height – the tree trunk diameter measured at four and a half (4.5) feet above the ground.
- d. Earth berm – mounds or walls of earth molded into landforms within landscape areas and covered with plant material or durable mulch so that bare soil is not visible. Earth berms are used for screening and/or buffering and should be constructed so to prevent soil erosion.
- e. Fence – a structure construction of wood, metal, masonry, or other rigid manmade composite materials that imitates wood, metal, or masonry, which divides two contiguous properties, or is placed on the property to divide an area or portion of

land from another. Fences shall be structurally sound and durable. No fragile, readily flammable materials shall constitute a part of any fence, nor shall such material be used as an adjunct, attachment, or supplement to any fence.

- f. Fence, ornamental - a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences may include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.
- g. Lot – a designated parcel, tract, or area of land established by plat, subdivision, deed, or ordinance.
- h. Lot, corner – a lot abutting upon two or more streets at their intersection.
- i. Lot, interior – a lot other than a corner lot.
- j. Lot lines – the property lines bounding a lot.
- k. Lot lines, front – the property line fronting a roadway right-of-way which provides the principle access to the property.
 - i. In the case of a corner lot, the front lot line is the lot line abutting the street which is used by the U.S. Postal Service for the delivery of mail to the structure located on the property. If the lot does not have a structure, the owner may select which lot line abutting a street is the front lot line.
- l. Outdoor customer area – a defined outdoor area of a commercial or institutional use which is intended for the use of customers. Outdoor customer areas may provide outdoor furniture including seating, tables, and trashcans.
- m. Outside storage – Outside storage means the physical presence of any personal property not fully enclosed within a structure. “Outdoor storage” means and includes, but shall not be limited to, the following:
 - i. Inoperable motor vehicles and farm, commercial and industrial equipment of all types;
 - ii. Inoperable or unlicensed recreational vehicles;
 - iii. Junk, imported waste, and discarded or salvaged materials;
 - iv. Dismantled vehicles and vehicle parts, including commercial and industrial farm machinery or parts thereof, tires and batteries;
 - v. Scrap metal, including salvaged structural steel;
 - vi. Salvaged lumber and building materials;
 - vii. Salvaged commercial or industrial trade fixtures;
 - viii. Operable or inoperable industrial or commercial equipment or tools.
 - ix. New building materials and supplies or any project for which no building permit has been issued;
 - x. New or used furniture or appliances;
 - xi. Bottles, cans and paper;
 - xii. Boxes, cable spools, and packing crates; and
- n. Parking area – an area of a lot used as an off-street parking facility, enclosed or unenclosed, including parking spaces and access drives and legally designated areas of public streets.
- o. Vehicular use area – land upon which vehicles traverse and all areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, including, but not limited to service bays, loading and unloading areas, and all of street parking areas.
- p. Yard – an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be provided for in this chapter.
- q. Yard, front – a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward.
- r. Yard, rear – a space extending the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building at the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward. On all lots, the rear yard shall be at the opposite end of the lot from the front yard.
- s. Yard, side – a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward.

3. Fence Regulations

3.1. Lot Fencing Standards

Along lot lines, fences may be erected in compliance with the following requirements.

- a. A side or rear yard fence or wall shall not exceed eight (8) feet in height, except in cases where a fence is to be built along a sloping grade, then:

- i. the maximum height may be averaged across stepped, six (6) foot segments to allow the fence to follow the natural rise and fall of the slope; or,
 - ii. for a uniform height fence along a sloping grade, fence height may be increased one (1) inch for every twenty (20) feet in fence length; and,
 - iii. in either case, no portion of the fence shall exceed nine (9) feet.
- b. Columns of rear and side yard fences or walls, if spaced not less than five (5) feet apart, shall not exceed nine (9) feet in height.
- c. A side yard fence shall not extend in front of the front corners of any residence.
- d. A front yard fence or wall shall not exceed four (4) feet in height.
- e. In GO-1, H-1, BC-1, BC-2, C-1, C-2, and MUCD districts, front yards shall not be fenced, with the following exceptions:
 - i. Any fence not taller than four (4) feet measured from sidewalk elevation may be erected to enclose allowed outdoor customer areas along street frontages.
 - ii. Dumpsters and recycling containers shall be fenced as set forth in [Section 4.2: Dumpsters and Recycling Containers](#).
- f. In R-1 and R-2 districts front yards shall not be fenced, with the following exceptions:
 - i. Unless the lot immediately adjoining on either side has a fence in the front yard. In this case, the front yard fence may not exceed a height of four (4) feet as measured from the sidewalk or the height of the higher adjoining fence, whichever is lower.
 - ii. A front yard fence not taller than four (4) feet measured from the sidewalk elevation may be erected on corner lots where the adjoining lot which shares the same front yard orientation, has an existing front yard fence.
- g. All fences and walls shall not exceed three (3) feet in height within clear vision areas as defined in [Section 6: Sight Triangle](#).

3.2. General Fence Design Standards

- a. All fences facing public right-of-way shall be constructed of wood, wrought or cast metal and expose the finished side, minimizing public view of non-decorative posts, horizontal posts, cross members and similar unfinished components.
 - i. The Administrator may allow alternative fence materials of similar appearance and durability as allowed under this paragraph.
- b. Chain link security fencing may be established on side and rear yards that do not face a street.
- c. Barbed and razor wire shall not be allowed, barbed wire may be used in M-1 and M-2 districts, and for the protection of critical facilities, as determined by the Administrator.
 - i. Where barbed wire is used, it shall be screened with a five (5) feet planted buffer strip. Buffer planting requirements of [Section 5: Buffer Planting Area](#) shall apply; and,
 - ii. Barbed wire must be at a height of at least eight (8) feet from the nearest interior adjacent grade.
- d. A chain wall shall be constructed of concrete or masonry and shall not exceed a height of twelve (12) inches, as measured from the outside adjacent grade, with a minimum width of six (6) inches. Such chain wall shall be constructed in a manner as to effectively withstand the soil and water pressures exerted against it. The chain wall shall extend below the lowest adjacent grade to a depth equal to the height of chain wall. In cases where a chain wall is not sufficient to prevent water flowing onto adjacent lots, a retaining wall, exceeding twelve (12) inches in height, may be used at the determination of the Administrator. A retaining wall shall be designed and stamped by a design professional.
- e. For the purposes of this Screening and Fencing Ordinance, fence measurement shall be made as follows:
 - i. Fence height shall be measured from the nearest interior adjacent grade of the permit holder's property and shall include the height of a chain wall; or,
 - ii. The top of a retaining wall that has been properly permitted, as measured from the nearest interior adjacent grade of the higher elevation.
- f. A fence exceeding a height of eight (8) feet shall be accompanied by stamped design specifications from a design professional and shall only be allowed for screening purposes in non-residential zoning districts.

4. Screening Requirements

4.1. Vehicular Use Areas

- a. The provisions of this paragraph shall be applicable to all non-residential uses.
- b. On side and rear lot lines of the lot adjacent to any residential lot, vehicular use areas shall be screened by a planted buffer strip, as defined in [Section 5: Buffer](#)

Planting Area. In addition to buffer plantings, an opaque fence, not taller than eight (8) feet in height shall be provided.

- c. Vehicular use areas adjacent to the public right-of-way shall be screened by a planting strip along the entire length of the perimeter of the street facing area. The planting strip shall be planted as follows:
 - i. The planted area shall be at least equal to the required setback, but in no case less than five (5) feet wide.
 - ii. Shrubs and plants shall be a minimum of thirty-six (36) inches in height from the ground during installation and a maximum of four (4) feet at maturity, except within clear vision areas as defined in [Section 6: Sight Triangle](#), where planting and shrubs shall be not more than three (3) feet in height.
 - iii. The planting strip shall contain one (1) Class A Tree for every twenty-five (25) linear feet and one (1) Class B Tree for every fifteen (15) linear feet.



Figure 4.1: Vehicular Use Areas

- d. Vehicular use areas located within the City's Historic Districts, as defined in Sec. 32-5. - Same—Areas of Jurisdiction of the City of Gretna Code of Ordinances, Chapter 32 - Historic Preservation, shall be screened from the public right-of-way by a planted buffer strip of not less than three (3) feet width and a masonry wall, or wrought iron fence, or a combination thereof, of not less than two (2) feet and not more than four (4) feet in height, except within clear vision areas as defined in [Section 6: Sight Triangle](#), where the barrier shall be not more than three (3) feet in height. The barrier shall be subject to the design review of the City of Gretna Historic District Commission.
 - i. Vehicular use areas adjacent to the public right-of-way shall be screened by a planting strip along the entire length of the perimeter of the street facing area. The planting strip shall be planted as follows:
 - 1. Shrubs and plants shall be a minimum of thirty-six (36) inches in height from the ground during installation and a maximum of four (4) feet at maturity, except within clear vision areas as defined in [Section 6: Sight Triangle](#), where planting and shrubs shall be not more than three (3) feet in height.
 - 2. The planting strip shall contain one (1) Class B Tree for every fifteen (15) linear feet.

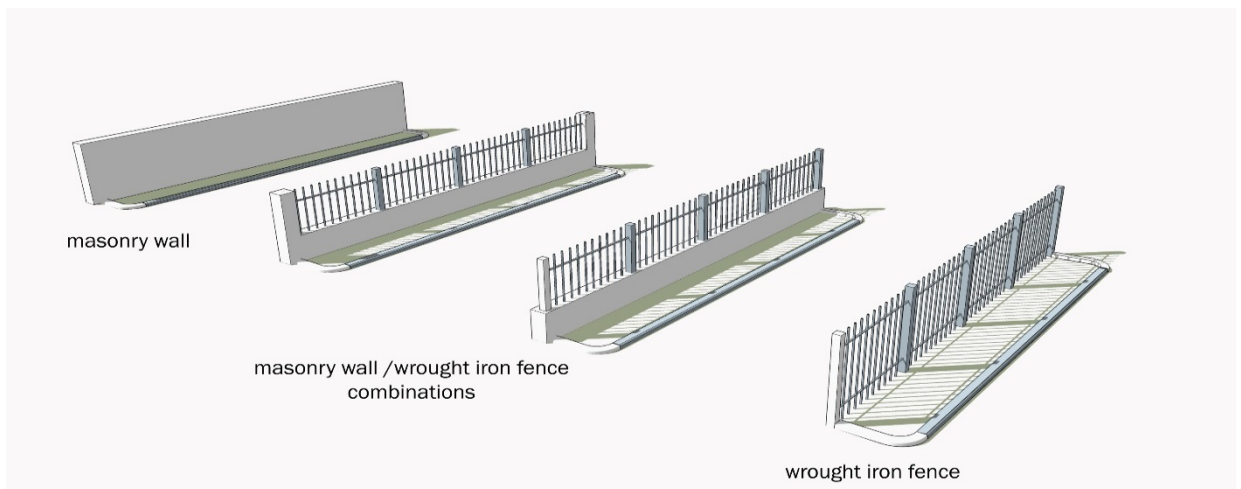


Figure 4.2: Historic Screening Examples

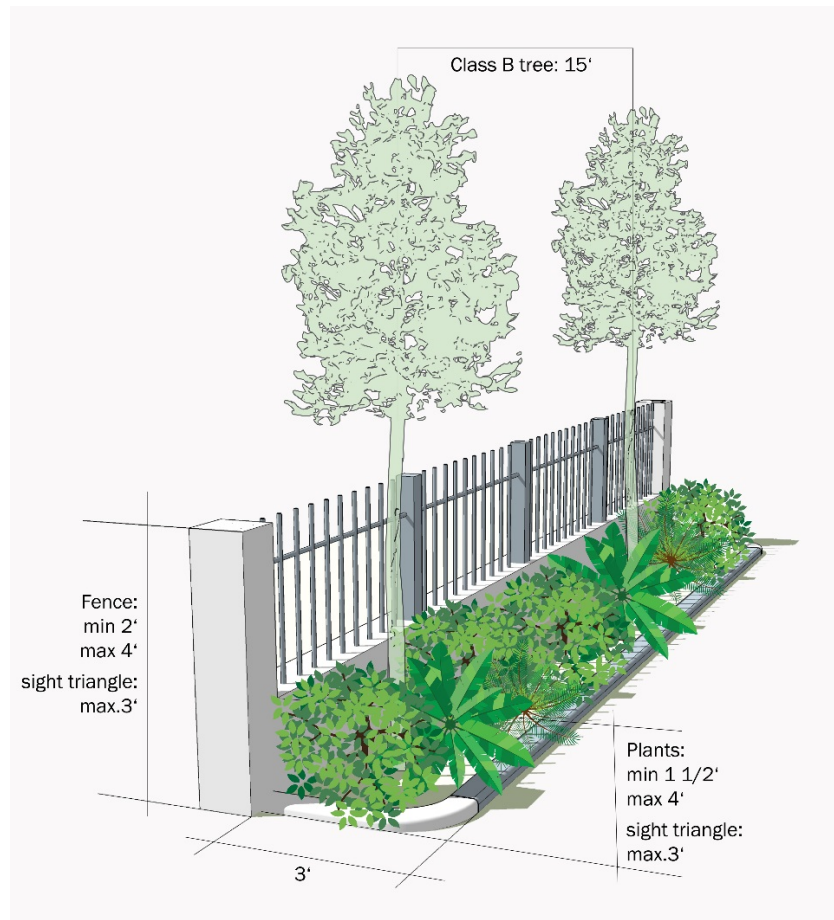


Figure 4.3: Historic District Screening Dimensions

4.2. Dumpster and Recycling Containers

- a. Dumpsters and recycling containers shall be fully enclosed on all sides by a solid fence, a masonry wall, or principal structure wall six (6) feet in height. The enclosure shall be gated.
- b. The materials used for screening, including the enclosure, shall use similar materials and colors of the principal building.

4.3. Utilities

- a. Above ground public utilities, with the exception of utility poles, shall be screened by a continuous hedge of no less than three (3) feet in height if surrounded by at least three (3) feet of exposed soil or grass. A setback of no less than one and one-half (1.5) feet must be provided around equipment to allow for property operation and maintenance of the equipment.
- b. On non-residential lots mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view at the front property line and the side property line if the property is a corner lot. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

4.4. Outside Storage Areas

- a. All outside storage of commercial and industrial uses must provide a solid fence made of wood or brick, or masonry wall. The fence must be of such height that all outside storage is screened from public view. No sheet metal fence shall be allowed.

5. Buffer Planting Area

- 5.1. Buffer planting areas shall be required between different uses and/or districts in accordance with Table 5.1: Buffer Planting Area Requirements.

Table 5.1: BUFFER PLANTING AREA REQUIREMENTS					
ADJACENT LAND USE OR ZONE	PROPOSED DEVELOPMENT				
	RESIDENTIAL	COMMERCIAL, INSTITUTIONAL, & MIXED USE	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PARKING LOT
RESIDENTIAL USES & ZONES (R-1, R-1A, R-1MH, R1-TH, R-2, R-3, OTR)	NR	10'	10'	25'	10'
COMMERCIAL, INSTITUTIONAL & MIXED-USE USES & ZONES (BC-1, BC-2, C-1, C-2, GO-1, H-1, MUCD)	10'	NR	10'	25'	NR
LIGHT INDUSTRIAL USE & ZONES M-1	10'	10'	NR	25'	NR
HEAVY INDUSTRIAL USE & ZONE M-2	25'	25'	25'	NR	NR
PARKING LOT	10'	NR	NR	NR	NR
PUBLIC RIGHT OF WAY	NR	NR	NR	15'	NR

- a. The minimum width listed in Table 5.1: Buffer Planting Area Requirements indicates the total required buffer between the properties. Provision of the buffer is the sole responsibility of the applicant for the proposed development.
- b. The buffer zone shall consist of an area not less than the required depth measured at right angles to the property line(s) along the entire length of a contiguous to the property line adjacent to the more restrictive zoning district.
- c. The buffer planting area is required to be provided in conjunction with the issuance of a building permit for new construction on a development site or when there is a change in land use.
- d. Trees in buffers that are healthy and of desirable species from Tables 2.1 and 2.2, and six (6) inches at DBH or greater shall be preserved regardless of the number of said trees. All trees required to be preserved shall be indicated on the landscape and tree preservation plan.
- e. The buffer yard shall be planted as follows:
 - i. The buffer zone shall contain one (1) Class A Tree for every twenty-five (25) linear feet and one (1) Class B Tree for every fifteen (15) linear feet.
 - ii. Plantings shall be a minimum of four (4) feet in height from the ground during installation and a minimum of six (6) feet mature.
- f. A 100% sight obscured fence or wall of eight (8) feet in height, erected on the border of the buffer yard area which lies inside the lot, may be provided in lieu of planting in the buffer area.
- g. The property owner shall maintain landscaping required by this ordinance in accordance with the following standards:
 - i. Use of Required Landscape Area. No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this article.
 - ii. All required landscaping, excluding trees, shall be watered if needed.
 - iii. Replacement of Dead Materials. The property owner shall replace required plants which die. Replacements shall be installed at the earliest possible time within a planting season, and replacements shall be as shown on the approved landscape plan.

6. Sight Triangle

- a. All fences and buffers shall conform to the Louisiana DOTD standards and be located so as not to cause an obstruction to motorists.
- b. A sight triangle measuring ten (10) feet along the edge of roadway by a depth of ten (10) feet from the point closest to the edge of roadway where vehicular or bicycle travel lanes intersect, shall be established at intersections and access ways. No fences, wall, or plantings over three (3) feet shall be allowed in this sight triangle.

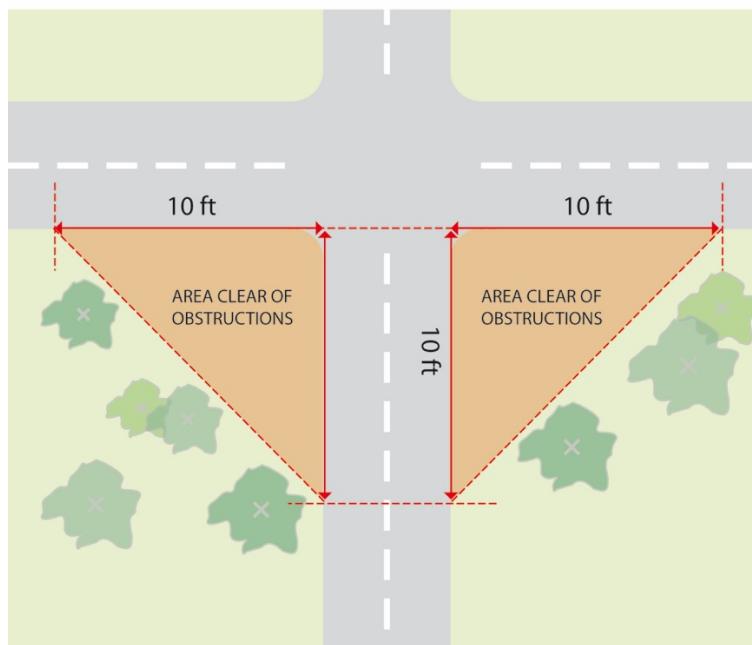


Fig. 6.1: Sight Triangle

7. Permit Procedure



7.1. When Required

- a. A fence permit is required for all fences and walls that are newly erected or replaced after after June 25, 2017 within the jurisdiction of the City of Gretna, except the following.
 - i. The fence or wall is part of a new development or substantial redevelopment which requires a site plan review as lined out in *Sec. 58-70. - Site plan review process of the City of Gretna Code of Ordinances.*
 - ii. The fence or wall is part of a new development or redevelopment that requires the submittal of a landscape plan, as regulated in Chapter 58 – Zoning and Subdivisions of the City of Gretna Code of Ordinances.
- b. It shall be unlawful to construct, erect, alter, relocate, or display any fence or wall without first obtaining a fence permit from the Administrator.

7.2. Application and Fees

- a. An application for a Fence Permit shall be filed in writing with the Administrator and contain all information requested by the Administrator.
- b. Applications must be submitted on forms in such numbers as required by the Administrator.
- c. Applications shall be complete and sufficient for processing before the Administrator is required to review the application.
- d. The Administrator may require the submission of information additional to that listed in this section, if determined as necessary to decide whether or not the fence as proposed will comply with all of the requirements of this Fencing and Screening Ordinance.
- e. Applications shall include the following.
 - i. Written consent of the owner of the property, or his agent, granting permission for the construction of the fence or wall;
 - ii. Name, address, and telephone number of the property owner, business owner, and the fence or wall contractor;
 - iii. Address of the lot, or lots, on which the fence or wall is to be erected;
 - iv. Zoning designation of the lot, or lots, on which the fence or wall is to be erected.
 - v. Site plan of the lot, or lots, on which the fence or wall is to be erected, including the following.
 1. Exact position of the fence or wall in relation to nearby buildings, structures, and/or property lines;

2. Height of the fence or wall, measured as set forth in Paragraph 3.1: Lot Fencing
 3. Linear feet of the fence or wall
 4. Type, material, and color of the fence or wall
 5. Any electrical permit required for gates, if applicable.
- f. The Administrator may require that the fence or wall plans be signed by a structural engineer licensed by the State of Louisiana.
 - g. Upon the filing of an application for a fence permit, the Administrator shall grant, deny, or reject the permit within forty-five (45) days from the application date. The applicant shall receive notice by hand delivery or by mailing notice to the address on the permit on or before the forty-fifth day.
 - h. The fees for permitting shall be established by the City of Gretna Planning and Zoning Commission and can only be amended by the City Council.
- 7.3. Review Criteria
- a. The proposed fence must meet the requirements of this Screening & Fencing Ordinance
 - b. In deciding to approve, approve with conditions, or deny the proposed fence permit, the Administrator shall consider relevant comments of all interested parties.
 - c. The decision of the Administrator must be consistent with prior decisions.
- 7.4. Effect of Denial.
- a. The denial of a fence permit application shall ban the subsequent application for the same fence or wall for a period of twelve (12) months.
- 7.5. Expiration.
- a. A fence permit shall remain in effect for six (6) months from issuance date, and if the fence or wall is not completed within those six months, the permit shall expire.

Provided that a majority of the City Council of the City of Gretna have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns same, unsigned, to the Clerk during that ten-day period.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: **Councilmen Hinyub, Crosby, Rau, Miller and Berthelot**

Nays: None

Absent: None

Abstain: None

ADOPTED: JUNE 14, 2017

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance presented to the Mayor on June 15, 2017

/S/ NORMA J. CRUZ
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

APPROVED: JUNE 15, 2017

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance returned from the Mayor on June 15, 2017

/S/ NORMA J. CRUZ
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ
CITY CLERK