ADOPTION INTRODUCTION

ORDINANCE # 2013-13
INTRODUCED BY Alexius
DATE INTRODUCED 5/21/13
ITEM NUMBER 2013-05-02
PUBLIC HEARING 7/16/13
ADOPTED/TABLED 7/16/13 (as amended)
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BOOK # PAGE #
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AMENDED BY ORDINANCE #
DATE AMENDED

AMENDED

CITY OF COVINGTON
ORDINANCE NUMBER 2013-13

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: APPENDIX B, COMPREHENSIVE ZONING ORDINANCE OF 2010, PART 4. GENERAL PROVISIONS (ZONING CASE NO. 13-05-02TXT)

WHEREAS, certain amendments have been suggested to the sections of the Code addressing fencing regulations; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Appendix B, Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Sec. 4.502 shall be amended to read as follows:

Sec. 4.5. Supplemental lot, yard and open space regulations.
4.502.
6. Accessory buildings.
a. Except on corner lots, any nonresidential accessory building that is not part of the main building may be built in a required side yard, providing that such accessory building is not less than three feet from the nearest interior side lot line, ten feet from the rear lot line, and provided not more than one accessory building covers any part of the required side yard.
b. On corner lots, accessory buildings are not permitted in required side yards on the side street side or within any portion of the rear yard area which lies between the side yard and the prolongation of the required side yard line into the rear yard area.
c. A carport attached to or detached from the main building may be constructed in a required side yard and may be attached to an enclosed accessory building providing that no walls of such accessory building are less than 60 feet from the front lot line nor less than three feet from the side lot line. Every part of the projection of such carport shall be at least three feet from the side lot line and ten feet from the rear lot line.
d. A swimming pool may be constructed in a required side yard, providing that such inverted accessory building (including decking) is not less than five feet from the side lot line, ten feet from the rear lot line, and provided that not more than one accessory building covers any part of the required side yard.
~~8. Fences have no front, rear or side setback requirements, however they may not be constructed or placed within the utility servitude .No fence along the sides or front edge of any front yard shall be over two and one half feet in height unless landscape plans are filed for, and permission granted by the board of adjustment for such an exception. Height measurement shall be measured vertically from ground level in the adjacent yard. The use of tin, asbestos shingles or black tarpaper as fence construction materials is prohibited under this ordinance.~~

~~9. An open, unenclosed, uncovered porch or terrace not exceeding the ground elevation by more than 12 inches, may project into a required front yard a distance ten feet or less, but in no case more than half the distance from the required building setback line to the front property line.~~

BE IT FURTHER ORDAINED by the City Council of the City of Covington, at its regular session convened, that Appendix B, Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Sec. 4.7. Fencing regulations., shall be added to read as follows:

Sec. 4.7. Fencing regulations.

4.701. Permit required.

1. Before commencing construction on any type of fence, whether residential, commercial or industrial, a permit issued under Chapter 83 of this Code shall be obtained from the Code Enforcement Officer.

2. No permit is required for maintenance and repair of a grandfathered, non-conforming fence or wall if the work involved represents less than fifty (50%) percent of the fence or wall length. If maintenance and repair involves greater than fifty (50%) percent of the grandfathered, non-conforming fence or wall length, a fence or wall permit is required. Maintenance or repair requiring a permit should be completed within a six (6) month period or grandfather status will be lost and new fence must meet current code requirements. Emergency fence or wall repair involving a safety issue, such as one surrounding a swimming pool, should be completed within three (3) months or at the discretion of the Code Enforcement Officer, if public safety is involved.

3. Fences or walls constructed with a chain wall require a detailed drawing reflecting utilities, drainage and all specifications associated with the structure and are subject to approval of the city engineer.

4. For properties lying within the Covington Historic District (for boundaries, see Appendix B, Part 3. Use Districts, Sec. 3.3102), a Certificate of Appropriateness may be required to construct a fence or wall. If a Certificate of Appropriateness is required, such Certificate must be granted by the Covington Historic District Commission (CHDC) before a fence or wall permit may be issued. The staff of the Planning Department will provide the property owner with an application and CHDC's design guidelines for fences and walls.

4.702. Height restrictions.

1. Notwithstanding any subdivision or development restrictions, a fence or wall not more than eight (8) feet in height may project into or enclose any required front, side or rear yard provided a height limitation of four (4) feet only is permissible within the front yard setback lot areas. Furthermore, on corner lots, nothing shall be erected, placed or allowed in such a manner as materially to impede vision over a height of four (4) feet above the centerline grades of the intersecting streets in a triangular area bounded by the street right-of-way lines on such corner lots and a side line joining points along right-of-way lines on such corner lots and a side line joining points along right-of-way lines fifteen (15) feet from the intersection right-of-way corner. This triangular area shall be referred to as a sight triangle. If a fence or wall to the property line does not impede vision, then the sight triangle is not applicable.

2. No person shall erect or rebuild any fence or wall which extends beyond the property lines.

3. The height of the fence or wall shall be measured from the highest grade of the property along the fence, wall or property line. Exceptions are allowed only through obtaining a variance (see Sec. 4.705). Fences or walls should be constructed no higher than a maximum of two inches off the ground.
4. No fence or wall shall be constructed in such a manner as to prevent the driver of a vehicle from having a clear, unobstructed view of traffic signs and approaching, merging or intersecting traffic.

4.703. Fence or wall construction materials.
1. Fences or walls must be constructed with wood, chain link, masonry, wrought iron, vinyl, stone or rock, pickets, split rail or other like materials.
2. No barbed wire, razor wire, electrified, tin, asbestos shingle, black tar paper or hazardous material shall be used in fence or wall construction. Exceptions are commercial or industrial fences or walls or where fences or walls are needed for the protection of property or for reasons of safety. In these cases, security wire may be contained on the top part of the fence or wall. Barbed wire or razor wire used as security wire, when allowed, shall only be used on fences or walls in an area higher than six (6) feet above ground.

4.704. Exceptions.
1. Fence or wall heights greater than eight (8) feet will be permitted in the following circumstances:
a. Decorative posts, post lights, columns, column decorations, gates and the like which are integral parts of an eight (8) foot fence or wall may extend higher than eight (8) feet but shall not exceed a height of ten (10) feet. Spacing between posts or columns should be six (6) feet.
b. A fence or wall which has a height greater than eight (8) feet that exists upon the effective date of this ordinance is exempt. However, once destroyed or removed, fences or walls must be rebuilt within six (6) months or fence or wall must conform to this article.
c. Recreational fences and walls, such as tennis courts, baseball fields and other similar recreational uses.

4.705. Variances.
1. A denial of a permit under this article or an order under this article may be appealed to the Board of Adjustment. The Board of Adjustment may grant a variance subject to any conditions which it deems necessary or desirable to make the fence or wall which is permitted by the variance compatible with the purpose of this article.
2. Developers may apply for a blanket height variance to include an entire subdivision if desired.
3. Any variance applied for must assure the adjacent property owner will not be adversely affected, no pedestrian access will be hampered and a clear line of sight is maintained.

4.706. Enforcement, violations and penalties.
1. The Code Enforcement Officer will be responsible for enforcing compliance with this article.
2. In order to protect the health, safety, welfare and property enjoyment of the citizens and inhabitants of the City, the Code Enforcement Officer may order that fences or free-standing walls which cause traffic hazards or which are dilapidated or dangerous, that the same be removed within a specific time period, depending on the severity of the hazard.

3. Any person who fails to comply with any directive or order by the Code Enforcement Officer shall be in violation of this article and subject to the penalties as specified in Sec. 1-8 of the Covington Code of Ordinances.

BE IT FURTHER ORDAINED that all other sections of Appendix B, Comprehensive Zoning Ordinance of 2010, shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by O'Keefe, as amended, seconded by Rolling.

YEAS: 7 **NAYS:** 0

ABSTAIN: 0 **ABSENT:** 0

PASSED AND ADOPTED this 16th day of July, 2013.

Lee S. Alexius

~~R.S. "SAM" O'KEEFE~~ LEE S. ALEXIUS
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 18th day of July, 2013, at 1:25 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor on this 18th day of July, 2013.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 19th day of July, 2013, at 8:40 o'clock A.M.

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL