

ORDINANCE NO. 10 OF 2022

AN ORDINANCE TO AMEND VARIOUS ARTICLES AND SECTIONS IN THE CITY OF SHREVEPORT, LOUISIANA, UNIFIED DEVELOPMENT CODE, RELATED TO FENCE REQUIREMENTS AND RESTRICTIONS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER: JAMES GREEN

WHEREAS, the City desires to make every effort to notify the public and to encourage public participation and input on these proposed *code text amendments* to the Shreveport Unified Development Code; and

WHEREAS, on December 1, 2021, the first draft proposals of these *code text amendments* were submitted to the Shreveport-Caddo Metropolitan Planning Commission (MPC), at its regular public board meeting, for informal review and discussion; and

WHEREAS, on January 5, 2022, these *code text amendments* were submitted to the Shreveport-Caddo MPC, at its regular board meeting, for review and recommendation in accordance with La. R.S. 33:140.30; and

WHEREAS, in accordance with the intent of La. R.S. 33:140.30 for a Public Hearing and Notice to be issued, the MPC held a Public Hearing at its Public Meeting, on January 5, 2022, before voting and providing a favorable recommendation, to the City Council, regarding the proposed amendments; and

WHEREAS, at least fourteen (14) days' Notice of the time and place of the Public Hearing was published, at the request of the Shreveport-Caddo MPC staff, in *The Shreveport Times* (a newspaper of general circulation in the parish) and said Notice was published on December 15, 2021; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in a due, legal and regular session convened, that the following amendments to the City of Shreveport, Louisiana, Unified Development Code ("Shreveport UDC") are hereby authorized as follows:

1. Amend and add new subsection in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES. Subsection 7.3.L.2.a: in the Shreveport UDC to now read as follows:
 - a. **Fence Height in Residential Districts**
 - i. In the front, corner side, and reverse corner side yards, an open fence is permitted up to a maximum height of six feet. Any other type of fence (any non-open fence), wall, or hedge is permitted in the front yard but is limited to a maximum height of three feet.
 - ii. Any other type of fence (any non-open fence), wall, or hedge is permitted in the corner side, and reverse corner side yards, but is limited to a maximum height of six feet. The height of the fence may exceed six feet to maintain an even fence line only when grade

decreases from the highest grade where the fence is to be installed, and in no case shall the total fence height exceed eight feet.

- iii. In the interior side and rear yards, a fence of any type, wall, or hedge is permitted up to a maximum height of eight feet.
- iv. No solid fence permitted or required by this Article, or other sections of this Code, shall be built within the sight triangle, as identified in Article 7.1.E of this code.

2. Amend subsection in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES. Subsection 7.3.L.3.a: in the Shreveport UDC to now read as follows:

3. Barbed Wire and Razor Wire Fences

- a. Barbed wire, razor wire, spiked posts, or fences of similar material are only permitted on a lot used for a utility in any district, or in the R-A, C-3, C-4, I-MU, I-1, or I-2 District.

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport, or his/her designee, and the Executive Director of the Shreveport-Caddo Metropolitan Planning Commission, or his/her designee, shall be and is hereby authorized to do any and all things and to sign any and all documents in a form acceptable to the City Attorney, or his/her designee, necessary to effectuate the purposes set forth herein.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of Shreveport City Charter Section 4.23.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office

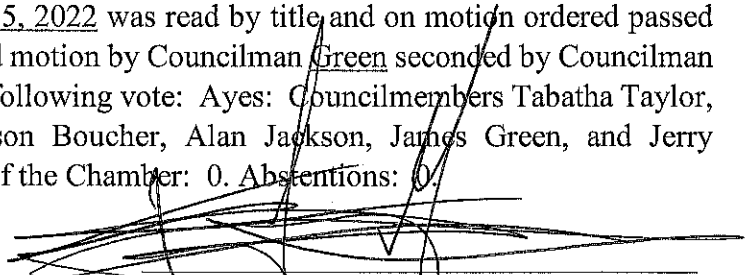
ORDINANCE NO. 10 OF 2022

January 25, 2022

Read by title and as read motion by Councilman Boucher seconded by Councilman Nickelson for Introduction

February 8, 2022

Having passed first reading on January 25, 2022 was read by title and on motion ordered passed to third reading. Read by title and as read motion by Councilman Green seconded by Councilman Bowman for adoption. Approved by the following vote: Ayes: Councilmembers Tabatha Taylor, LeVette Fuller, John Nickelson, Grayson Boucher, Alan Jackson, James Green, and Jerry Bowman, Jr. 7. Nays: 0. Absent: 0. Out of the Chamber: 0. Abstentions: 0.



James Green, Chairman

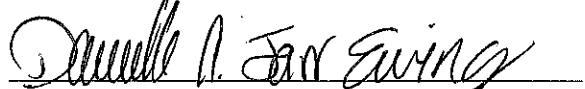
Approved: 
Adrian Perkins, Mayor

Approved by the City Council FEB 0 8 2022

Approved by the Mayor FEB 1 0 2022

And Effective on FEB 1 8 2022

at 12:01 O'clock A.M."



Danielle A. Farr Ewing, Clerk of Council

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

TITLE An ordinance to amend various articles and sections in the City of Shreveport, Louisiana, Unified Development Code, related to fence requirements and restrictions, and to otherwise provide with respect thereto.	DATE , 2021	ORIGINATING DEPARTMENT Shreveport Caddo Metropolitan Planning Commission (“MPC”) COUNCIL DISTRICT City-wide SPONSOR
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PURPOSE

To amend the code text in the Shreveport Unified Development Code.

BACKGROUND INFORMATION

The City of Shreveport Unified Development Code (UDC) undergoes regular review in order to ensure that the Code promotes sound, stable, and desirable development within the jurisdiction of the City, to correct errors in the text or to accommodate changed or changing conditions in a particular area.

These proposed amendments are aimed at updating the permitting process and use standards for fences in residential and non-residential districts. These amendments will affect the following articles, or portions thereof: Article 7. On Site Development Standards, by updating the maximum allowable non-open fence height in the corner side and reverse corner side yards in residential districts, and expanding the districts in which barbed wire, razor wire, spiked posts and the like are permitted.

TIMETABLE

MPC Introduction:	December 1, 2021
MPC Review & Recommendation:	January 5, 2021
Introduction to City Council:	January 25, 2021
Final Passage by City Council:	February 8, 2021

ATTACHMENTS

Exhibit “A”	MPC Memo
Exhibit “B”	MPC Staff Report

SPECIAL PROCEDURAL REQUIREMENTS

MPC Recommendation. Pursuant to La. R.S. 33:140.30, no amendment shall become effective unless it be first submitted to and approved (recommendation) by the MPC. The MPC reviewed these amendments and provided a favorable recommendation on January 5, 2022. Therefore, the City Council may render its decision to approve the amendments by a simple majority vote. See La. R.S. 33:140.30 and Shreveport UDC 16.1 (D)(3)(b).

Notice and Public Hearing at MPC. In accordance with the intent of La. R.S. 33:140.30 for a Public Hearing and Notice to be issued, the MPC held a Public Hearing at its Public Meeting on January 5, 2021, before voting on the proposed amendments. At least ten (14) days’ notice of the time and place of the Public Hearing was published on December 15, 2021 in *The Shreveport Times* (a newspaper of general circulation in the parish).

FINANCES

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SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: Emily Trant, Community Planner

RECOMMENDED UDC AMENDMENTS. January 5, 2022

The City of Shreveport Unified Development Code (UDC) undergoes regular review to ensure that the Code promotes sound, stable, and desirable development. Periodically, revisions are required to correct errors in the text or to accommodate changed or the changing nature of business in our community. These amendments will affect the following articles, or portions thereof: Article 7. On-Site Development Standards, by updating the fence height requirements in residential and non-residential districts, with all their provisions included therein.

Staff is requesting the Shreveport UDC be amended as follows: [~~strikeout~~ indicates deleted text, underline indicates added text].

Explanation: *The purpose of these code text amendments is to increase the maximum allowable non-open fence height located in the corner side and reverse corner side yards in residential districts. The intent is to align the UDC with the regional and national fence code standards and to provide a user-friendly code that reduces the need for variance applications.*

1. Amend and add new subsections in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES. Subsection 7.3.L.2.:

a. Fence Height in Residential Districts

- i. In the front, corner side, and reverse corner side yards, an open fence is permitted up to a maximum height of six feet. Any other type of fence (any non-open fence), wall, or hedge is permitted in the front, ~~corner side, and reverse corner side yards~~ but is limited to a maximum height of three feet.
- ii. Any other type of fence (any non-open fence), wall, or hedge is permitted in the corner side, and reverse corner side yards, but is limited to a maximum height of six feet. The height of the fence may exceed six feet to maintain an even fence line only when grade decreases from the highest grade where the fence is to be installed, and in no case shall the total fence height exceed eight feet.
- iii. In the interior side and rear yards, a fence of any type, wall, or hedge is permitted up to a maximum height of eight feet.
- iv. No solid fence permitted or required by this Article, or other sections of this Code, shall be built within the sight triangle, as identified in Article 7.1.E of this code.

2. Amend and add new subsection in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES. Subsection 7.3.L.3:

3. Barbed Wire and Razor Wire Fences

- a. Barbed wire, razor wire, spiked posts, or fences of similar material are only permitted on a lot used for a utility in any district, or in the R-A, C-3, C-4, I-MU, I-1, or I-2 District.
- b. Barbed wire, razor wire, and similar material must be located a minimum of eight feet above the adjacent ground.

STAFF REPORT – CITY OF SHREVEPORT

JANUARY 5, 2022

AGENDA ITEM NUMBER: 10
MPC Staff Member: Emily Trant
City Council District: All Districts
Parish Commission District: All Districts

CASE NUMBER: 22-1-CTAC: City of Shreveport Code-Text Amendments
APPLICANT: METROPOLITAN PLANNING COMMISSION
REQUEST: Code Text (Ordinance) Amendments to the Shreveport UDC

DESCRIPTION: The City of Shreveport Unified Development Code (UDC) undergoes regular review to ensure that the Code promotes sound, stable, and desirable development. Periodically, revisions are required to correct errors in the text or to accommodate changed or the changing nature of business in our community. These proposed amendments are aimed at updating the permitting process and use standards for fences in residential and non-residential districts. These amendments will affect the following article, or portions thereof: Article 7. On Site Development Standards, by updating the maximum allowable non-open fence height in the corner side and reverse corner side yards in residential districts and expanding the districts in which barbed wire is permitted.

BACKGROUND: The purpose of the UDC was to update, consolidate, and reformat the former subdivision and zoning regulations. It was recognized that upon adoption that additional corrections and policy amendments to these regulations would be forthcoming in the future.

In relation to the fence height in residential districts, the existing code only allows non-open fences to be built to a maximum height of three feet in the corner side and reverse corner side yard. Should a property owner wish to exceed the three-foot allowance, the fence would have to be an open fence, such as a chain link fence type. Many property owners have expressed concern that there is a need to build a non-open fence at a height greater than three feet to protect their health, safety, and welfare, resulting in Zoning Board of Appeals (ZBA) variance requests. In several instances, a variance was denied due to the inability to prove a hardship beyond a mere inconvenience.

Nonetheless, MPC staff are understanding of the necessity for a higher non-open fence in the corner side and reverse corner side yard, thus codes from other municipalities in the region and across the nation were studied. Findings indicated that other municipalities are more generous with their fence height standards, allowing fences up to a maximum height of six feet. While uncommon, some municipalities allow a maximum of eight feet. MPC staff proposes to allow non-open fences to be a maximum height of six feet in the corner side and reverse corner side yards. Finally, MPC staff proposes to allow fence height to be a maximum height of eight feet in instances where the grade slopes and causes areas of the yard being enclosed to be exposed from the right of way. This would also reduce the wavy effect that can happen when a fence is built along a property with an uneven grade. Approval of the proposed code text amendments would bring the City of Shreveport UDC in line with the regional and national best practices and result in fewer variance applications. Additionally, these code text amendments would eliminate non-conforming fences.

In a similar circumstance, applicants who operate commercial businesses in the City of Shreveport have expressed concerns about the inability to use barbed wire fencing to secure their property and

STAFF REPORT – CITY OF SHREVEPORT

products that are stored outside. Currently, barbed wire, razor wire, spiked posts, or fences of similar material are only permitted on a lot used for a utility in any district, or in the R-A, C-4, I-MU, I-1, or I-2 District. To address security concerns, staff proposes to permit barbed wire, and the like, in the C-3, General Commercial district by right.

PROPOSED UDC CODE TEXT AMENDMENT(S):

Staff is proposing the following UDC Articles at this time:

- Amend Article 7, *On-Site Development Standards*

Amendment 1.

Amend maximum permitted height for Fence Height in Residential District in Article 7 and add two new subsections.

Amendment 2.

Amend districts that permit barbed wire, razor wire, spiked posts, or fences of similar materials.

See Attachments:

- Exhibit “A” for memorandum describing these amendments in full detail.

APPROVAL STANDARDS: The purpose of Section 16.1.E.1 is to provide a uniform means for amending the text of the Unified Development Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so. In determining whether to recommend approval or denial of the proposed text amendment, the MPC shall weigh the relevance to which the proposed amendment:

- Promotes the public health, safety, and welfare.**
The proposed text amendments promotes the public health, safety, and welfare.
- Promotes the Master Plan and any adopted land use policies.**
The proposed text amendments are consistent with the Master Plan.
- Promotes intent of this Code.**
These amendments will simplify current practices, thus promoting the intent of the Code.
- Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.**
The proposed amendments reflect changes in policy.
- The extent to which the proposed amendment creates nonconformities.**
These amendments help alleviate nonconformities, not create them.

**STAFF
RECOMMENDATION:** Based on staff analysis, review of the above standards and facts of record, MPC Staff

STAFF REPORT – CITY OF SHREVEPORT

concludes that the recommendation to APPROVE the code text amendments is warranted. If approved by City Council, Article 7 of the Shreveport UDC would be amended, as described within. A majority vote of the MPC Board members present and voting is required to recommend approval to the City Council.

Alternatively, based on information provided at the public hearing, the MPC Board may:

- Deny the proposed code text amendment;
- Deny specific provisions, and approve any subsequent amendments and/or provisions; or
- Modify specific language in the proposed amendment and approve, as modified.

PUBLIC ASSESSMENT: There was no opposition present.

MPC BOARD
RECOMMENDATION: The Board voted 8-0 to recommend this application for approval.