

On joint motion of all Councilmembers present the following ordinance was offered as amended:

**SUMMARY NO. 24019 ORDINANCE NO. 24735**

An ordinance to amend Chapter 32, Signs, Chapter 33, Unified Development Code, and Chapter 40, Zoning, of the Code of Ordinances of the Parish of Jefferson, to clarify clear vision area regulations, including reorganizing, deleting, adding, and amending definitions, measurement techniques, and locations of clear vision areas on nonresidential sites; and updating language and graphics to establish consistency and improve comprehension. (Parishwide)

**WHEREAS**, in January 2006, the Parish Council adopted Ordinance No. 22670, which clarified definitions, fence regulations, and BZA rules and proceedings related to the administration of clear vision areas; and

**WHEREAS**, in July 2008, the Parish Council adopted Ordinance No. 23330, which established the existing sight triangle measurements, as well as streamlined, clarified, and consolidated sight triangle and clear vision area regulations into Section 40-665 of the Jefferson Parish Code of Ordinances; and

**WHEREAS**, in June 2010, the Parish Council adopted Ordinance No. 23881, which modified clear vision area regulations for Fat City zoning districts to acknowledge the urban design characteristics required within the Fat City zoning districts; and

**WHEREAS**, while recent modifications have improved and expanded clear vision area regulations, amendments are necessary to more appropriately align sight triangles on nonresidential sites, to increase comprehension of regulation content, and apply regulations consistently parishwide; and

**WHEREAS**, Council Resolution No. 119687 authorized the Planning Department and the Planning Advisory Board to conduct a study of the text of Chapter 40 Zoning, Chapter 33 Unified Development Code, and any other relevant chapters of the Code of Ordinances of the Parish of Jefferson, with the intent of evaluating and amending clear vision area regulations, and to provide for related matters; and

**WHEREAS**, proposed amendments promote public safety by more appropriately locating clear vision areas on nonresidential sites, resolve existing deficiencies in organization, procedures, standards and definitions in zoning and development related regulations; and provide for greater enforcement of codes and laws to enhance the quality of life and the quality of the citizens' surroundings in the Parish; and

**WHEREAS**, a public hearing was held by the Planning Advisory Board under Docket No. TXT-2-14 in accordance with law. Now, therefore,

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** That Chapter 32. Signs, Article III. Mobile Signs, Division 1. Generally, Section 32-24. Location, (c) be amended to read as follows:

\* \* \*

- (c) No mobile sign shall be placed or installed within the access way, street intersection, or reverse corner lot sight triangles, in accordance with section 40-665, Clear vision area regulations.

\* \* \*

**SECTION 2.** That Chapter 32. Signs, Article IV. Nonprofit and Civic, Section 32-52. Location, (c) be amended to read as follows:

\* \* \*

- (c) No sign shall be placed or installed within the access way, street intersection, or reverse corner lot sight triangles in accordance with section 40-665, Clear vision area regulations.

\* \* \*

**SECTION 3.** That Chapter 33. Unified Development Code, Section 33-3.6. Special Zoning District Standards, (b) Fat City Streets, Off-Street Parking & Loading, and Clear Vision Area Regulations be amended to delete figures 33-3.6-4 and 33-3.6-5 and read as follows:

\* \* \*

- (11) Clear vision areas. Clear vision areas shall be provided in accordance with Section 40-665 of this Code.

**SECTION 4.** That Chapter 40. Zoning, Article I. In General, Section 40-3. Definitions be amended to add definitions for curb, curb line, roadway, and intersection, and to amend the access way and sight triangle definitions, to read as follows:

\* \* \*

*Access way* shall mean any driveway, alley or other means of providing for the movement of vehicles to or from the public roadway system.

\* \* \*

*Clear vision area* shall mean an area required to be free of obstructions to promote public safety by maintaining cross-visibility between oncoming traffic among motorists, pedestrians, and bicyclists and includes street intersection, reverse corner lot, and access way sight triangles.

\* \* \*

*Curb* shall mean a concrete or asphalt border along the edge or lateral line of a roadway, as a limit to the roadway, and forming part of a gutter.

*Curb line* shall mean the line formed by the back or exterior surface of the curb. Where curb lines do not exist, the edge of the street pavement shall be equivalent to the curb line.

\* \* \*

*Intersection* shall mean a junction where one (1) roadway crosses another; the actual area common to crossing roadways embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral lines of the roadways of two (2) streets which join one another, usually at right angles.

\* \* \*

*Roadway* shall mean that portion of a right-of-way or street which is paved or otherwise designed or improved with some hard surface, or ordinarily used for vehicular traffic, between the curb lines or lateral lines of a roadway and exclusive of the berm, shoulder or roadside. A divided street, road, or highway has two (2) or more roadways.

\* \* \*

*Sight triangle* shall mean a type of clear vision area of triangular shape designed to promote public safety by maintaining cross-visibility among pedestrians, bicyclists, and motorists. Sight triangles shall be provided in accordance with Section 40-665 of this Code.

\* \* \*

**SECTION 5.** That Chapter 40. Zoning, Article XXXV. Off-street Parking, Loading, and Clear Vision Area Regulations, Section 40-665. Clear vision area regulations be amended to read as follows:

- (a) *Purpose.* Clear vision area regulations are designed to promote public safety by maintaining clear areas that provide cross-visibility among pedestrians, bicyclists, and motorists.
- (b) *Applicability.* If any clear vision area regulation is in conflict with the yard or area requirements of the zoning district, the more restrictive regulation shall apply, unless a variance is granted in accordance with this section.
- (c) *Obstructions prohibited.*
  - (1) *Generally.* Except as provided for in this Article, clear vision areas shall be free from any visual obstruction between a height of three (3) feet and eight (8) feet as measured from the crown of the street, which includes, but is not limited to:
    - a. Any berm, hedge, shrub, pool, sign, fence, or other structure in excess of three (3) feet in height; and
    - b. Parking; and
    - c. Decorative elements, including but not limited to, bird baths, garden statuary, and trellises.
  - (2) *Fences.*
    - a. A fence with the portion above three (3) feet in height that meets the definition of an open fence shall be permitted.
    - b. Fence columns between three (3) and eight (8) feet in height, as measured from the crown of the street, shall be no more than eighteen (18) inches in width and shall be spaced no closer than five (5) feet on center.
    - c. Screening material, vines, shrubs, other plant life, or similar items that will obstruct visibility shall not be placed nor be permitted to grow on fences located in clear vision areas.

- d. Properties located in the Old Metairie Neighborhood Conservation District shall also be subject to the fence regulations of Article X. Old Metairie Neighborhood Conservation District (OMNCD).
- (3) *Signs.*
  - a. Signs, including the support pole or base, with a width, depth, or diameter larger than eighteen (18) inches between three (3) and eight (8) in height, as measured from the crown of the street, shall not be permitted.
  - b. Signs with more than one (1) support pole or base shall not be permitted.
- (d) *Type and requirement.*
  - (1) A *street intersection sight triangle* shall be required on the area that abuts the intersection of two (2) or more streets.
  - (2) An *access way sight triangle* shall be required on the area that abuts the intersection of an access way and a street.
  - (3) A *reverse corner lot sight triangle* shall be required on a reverse corner lot on the area of a development site that abuts the front yard of a key lot.
  - (4) The parish traffic engineering division shall determine clear vision areas for unique situations including, but not limited to, when property does not form a right triangle where sight triangles are located; when property lines fall within the roadway; when the roadway adjacent to the property where the sight triangle is located curves; when the elevation change between the road way and the property warrants a unique sight triangle, or when a sight triangle does not expand past the backside of an existing sidewalk and pedestrian safety may be compromised.
- (e) *Measurement.*
  - (1) *Reverse corner lots.* On the area of a development site that abuts the front yard of a key lot and a street, a reverse corner lot sight triangle shall be provided. The sight triangle shall measure fifteen (15) feet, be aligned to the common lot line of the reverse corner lot and key lot and the edge of the applicant's property line parallel to the street, and shall be established in accordance with the following:
    - a. The triangle shall begin where the common lot line intersects the applicant's side yard property line parallel to the street, labeled "Point A" in Figure 40.665.1; and
    - b. From "Point A," one (1) line shall be drawn along the common lot line in the direction opposite the street; and
    - c. From "Point A," a second line shall be drawn along the applicant's side yard property line parallel to the street; and
    - d. The end of each line shall be connected to form the required sight triangle.

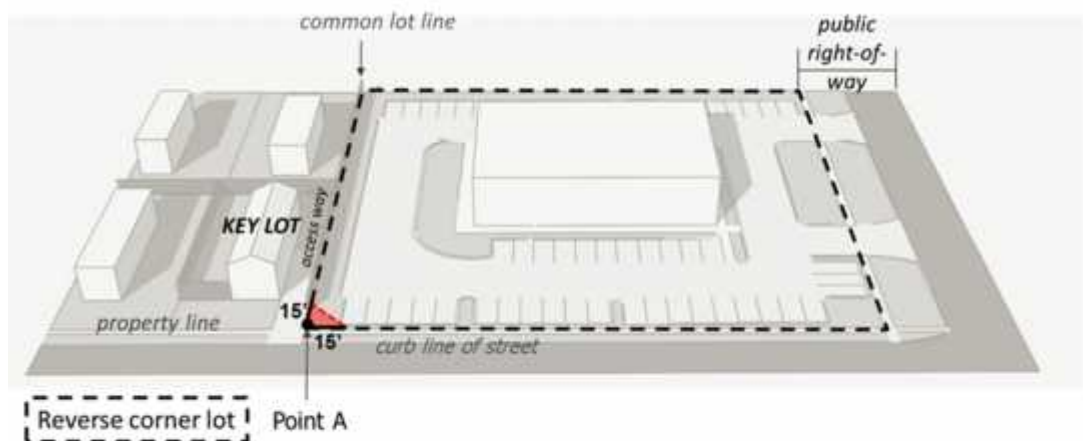


Figure 40.665.1. Fifteen (15) foot reverse corner lot sight triangle.

- Figure 40.665.1. **Fifteen (15) foot reverse corner lot sight triangle.**
- (2) *Residential lots.* On sites developed with a one-, two-, three-, or four-family residential dwelling, including a manufactured home or a townhouse, clear vision areas shall be provided in accordance with the following:
    - a. *Street intersection sight triangle.*

1. *Size and location.* The sight triangle shall measure twenty-five (25) feet, be aligned to the applicant's property line, and be established in accordance with the following:
  - i. The triangle shall begin on the corner of the development site nearest to the street intersection, labeled "Point A" in Figure 40.665.2; and
  - ii. From "Point A," one line shall be drawn along the side lot line; and
  - iii. From "Point A," a second line shall be drawn along the front lot line; and
  - iv. The end of each line shall be connected to form the required sight triangle.

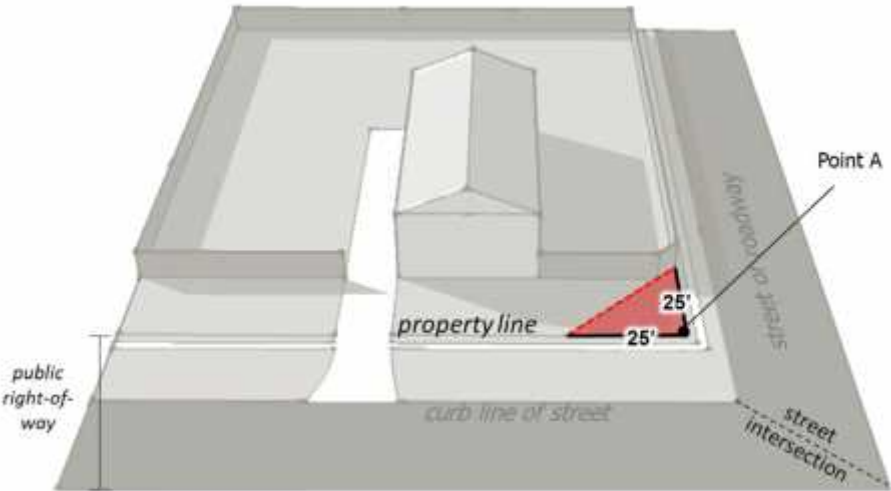


Figure 40.665.2. **Twenty-five (25) foot street intersection sight triangle.**

2. *Modification.* A sight triangle located on a corner in line with the direction of travel on a designated one-way street may be reduced to form a minimum fifteen (15)-foot sight triangle as illustrated in Figure 40.665.3.



Figure 40. 665.3 **Minimum fifteen (15) foot street intersection sight triangle on a designated one-way street.**

- b. *Access way sight triangle.* The sight triangle shall measure ten (10) feet, be aligned to the edge of the access way pavement and the edge of the applicant's property line parallel to the applicable street, and be established in accordance with the following:
  1. Each triangle shall begin from the point where the edge of the access way pavement intersects the applicant's property line, labeled "Point A" in Figure 40.665.4; and

2. From "Point A," one (1) line shall be drawn along the applicant's property line in the direction opposite the proposed access way; and
3. From "Point A," a second line shall be drawn along the edge of the access way pavement in the direction opposite the applicable street; and
4. The end of each line shall be connected to form the required sight triangle.

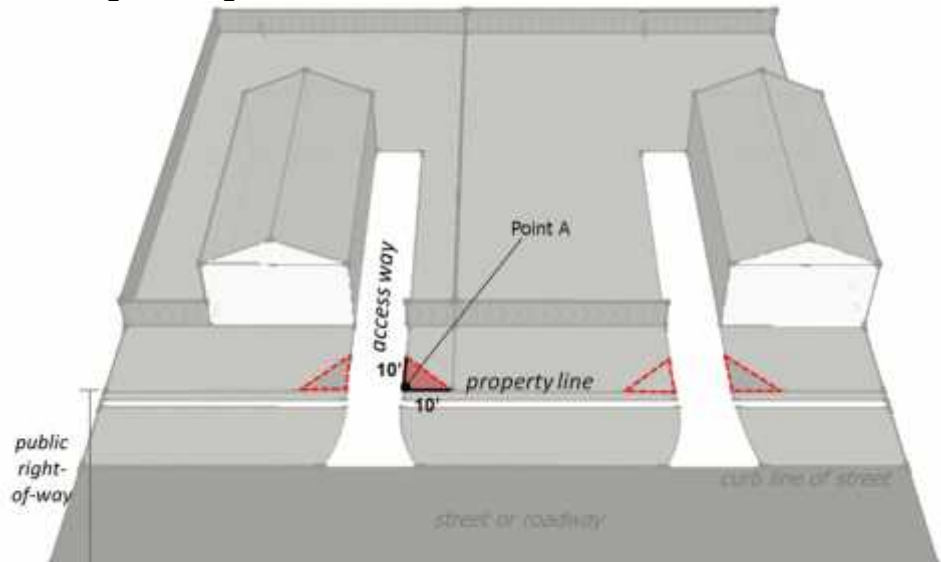


Figure 40.665.4. **Ten (10) foot access way sight triangle.**

- (3) *Multi-family residential, commercial or industrial lots.* On sites developed with land uses other than a one-, two-, three, or four-family residential dwelling, including a manufactured home or a townhouse, required clear vision areas shall be provided in accordance with the following:
  - a. *Street intersection sight triangle.*
    1. *Size and location.* The sight triangle shall measure thirty-five (35) feet, be aligned to the curb lines of the street, and be established in accordance with the following:
      - i. The triangle shall begin from the point where the curb lines of the intersecting streets meet, labeled "Point A" in Figure 40.665.5. If there is a radius, street curb lines shall be projected until they intersect; and
      - ii. From "Point A," one line shall be drawn along the curb line of the street parallel to the front lot line; and
      - iii. From "Point A," a second line shall be drawn along the curb line of the street parallel to the side lot line; and
      - iv. The end of each line shall be connected to form the required sight triangle.

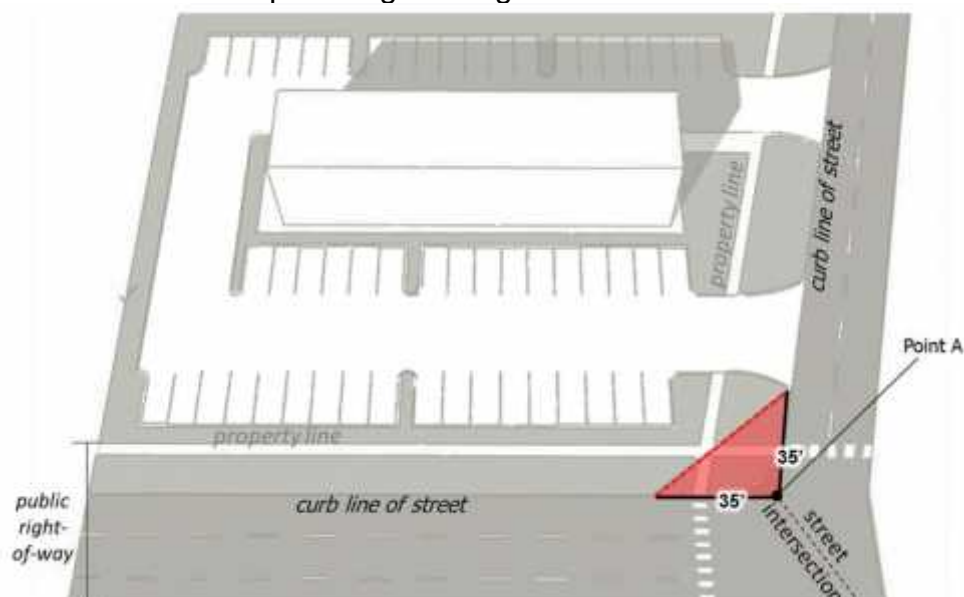


Figure 40. 665.5. **Thirty-five (35) foot street intersection sight triangle.**

2. *Modification.* A sight triangle located on a corner in line with the direction of travel on a designated one-way street may be reduced to form a minimum fifteen (15) foot sight triangle as illustrated in Figure 40.665.6.

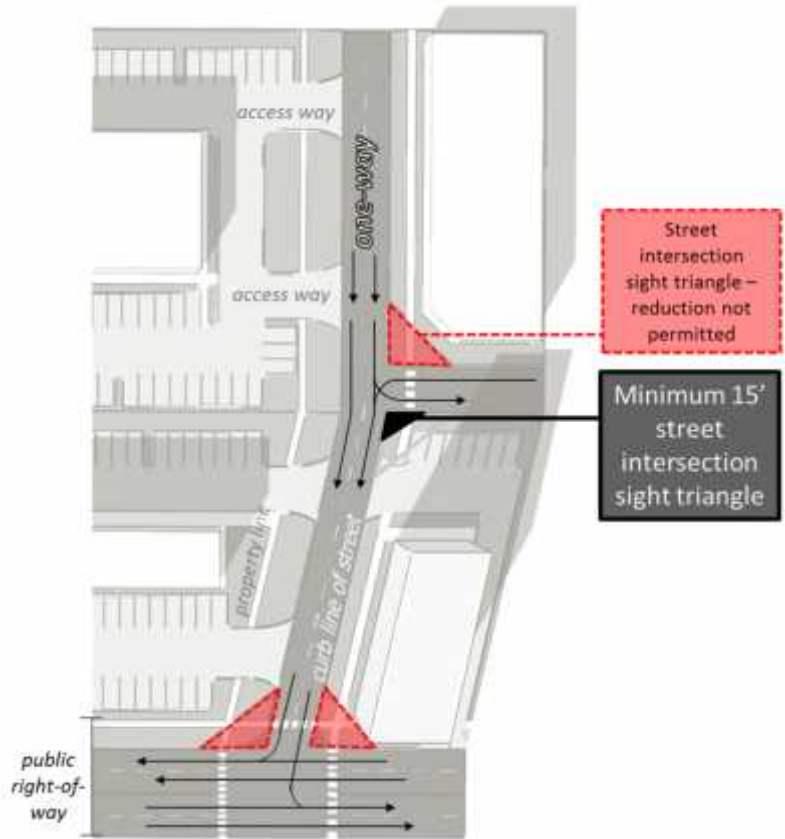


Figure 40. 665.6. **Minimum fifteen (15) foot street intersection sight triangle on a one-way street.**

- b. *Access way sight triangle.* The sight triangle shall measure fifteen (15) feet, be aligned to the edge of the access way pavement and the curb line of the street, and be established in accordance with the following:
1. Each triangle shall begin from the point where the edge of the access way pavement is projected to intersect the curb line of the street, labeled "Point A" in Figure 40.665.7.
  2. From "Point A," one (1) line shall be drawn along the curb line of the street in the direction opposite of the proposed access way; and
  3. From "Point A," a second line shall be drawn along the edge of the access way pavement in the direction opposite the applicable street; and
  4. The end of each line shall be connected to form the required sight triangle.



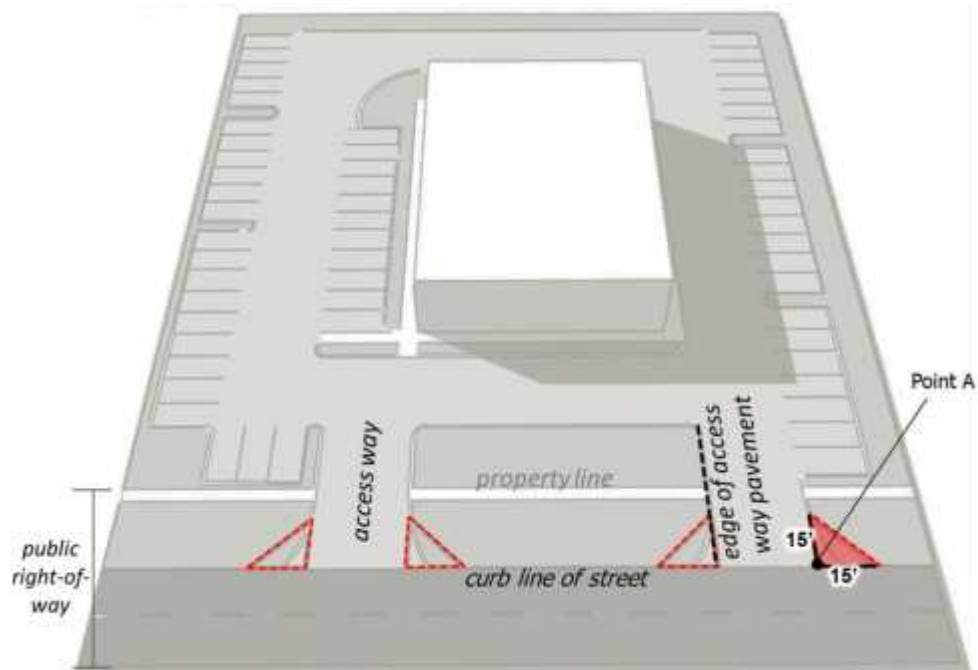


Figure 40.665.7. **Fifteen (15) foot access way sight triangle.**

- (f) **Submittal requirements.**
- (1) **Illustration.** All clear vision areas shall be illustrated and to scale on all required building and site plans.
  - (2) **Additional materials necessary for clear vision areas aligned to the curb line of the street.** For sites developed with uses other than a one-, two-, three-, or four-family residential dwelling, including a manufactured home or a townhouse, applicants shall submit the following information to the Department of Inspection and Code Enforcement:
    - a. **Survey.** A survey that clearly delineates the distance between the curb line of the street and the property line; or
    - b. **Independent dimensions.** Independent dimensions supplied by the applicant that reflect the distance between the curb line of the street and the property line where sight triangles are required. These dimensions shall be certified by a notarized affidavit that is signed by the owner, applicant, or applicable design professional and states that the dimensions provided to the Parish are true and correct.
  - (3) **Determination from Parish Traffic Engineering Division.**
    - a. **Applicability.** Applications involving unique situations, as described in part (d)(4) of this Section, shall include a letter that summarizes or a site plan that illustrates unique clear vision areas as determined by the parish traffic engineering division.
    - b. **Responsibility.** The applicant shall request the determination from the parish traffic engineering division and shall submit the determination as part of the application.
    - c. **Exception.** If a site plan is subject to LURTC review, as per the site plan review process described in Section 33-2.5 of this Code, applicants shall not be required to submit the determination.
  - (4) **Elevation drawings for fences.** Elevation drawing(s) of proposed fences shall be submitted with fence permit application(s); permits for chain link fences shall be exempt from this requirement.
- (g) **Exemptions.**
- (1) Objects exempt from clear vision area regulations include:
    - a. Existing and new utility poles, traffic and street signs, guy wires, fire hydrants, and other public infrastructure when no other alternative location is feasible.
    - b. Trees with branches trimmed below eight (8) feet, as measured from the base of the tree, and a diameter, or expected diameter after full growth, smaller than twenty-five (25) inches.
    - c. Trees protected by Article X.5 Metairie Ridge Tree Preservation District (MRTPD) or by Article X. Old Metairie Neighborhood Conservation District (OMNCD).

- (2) Sight triangles may be reduced or exempt when:
  - a. An access way sight triangle abuts the side of an access way and the end of a dead end street, not including a cul-de-sac.
  - b. A street intersection sight triangle is in line with the flow of traffic on a designated one-way street, as provided for in this Section.
  - c. An existing building is located within a required clear vision area.
  - d. All or a part of an access way sight triangle is located on an abutting site that is not part of the development site under review, in which case the applicant shall be responsible for maintaining the portion of the sight triangle on his/her property and public property, as applicable, in accordance with this Section.

(h) *Variances.*

- (1) Only the following variances may be granted and shall be in accordance with the variance procedures of this Chapter:
  - a. If adequate street speed limits or signalization exists, the size of a clear vision area may be reduced.
  - b. If a proposed building or addition to a building is located within a required clear vision area, the size of the clear vision area may be reduced.
  - c. For sites developed with a one-, two-, three-, or four-family residential dwelling, including a manufactured home or a townhouse, if a large distance exists between the curb line and the street right-of-way line, and the parish traffic engineering division determines that widening the roadway is not likely, the size of the clear vision area may be reduced by measuring the clear vision area with the curb line, or any distance between the curb line and the street right-of-way line, instead of the street right-of-way or property line.
  - d. If a proposed sign does not meet the clear vision area requirements of this article, the following sign requirements may be varied:
    - 1. The limitation on width, depth, or diameter of the sign, including the sign base, between three (3) and eight (8) feet in height as measured from the crown of the street.
    - 2. The limitation on the number of sign poles or bases.
- (2) *Board of zoning adjustments (BZA) variances.* The clear vision area regulations of this article shall apply unless a variance is granted by the Board of Zoning Adjustments (BZA) in accordance with Article XLII, Board of Zoning Adjustments. To prevent negative impacts to vehicle and pedestrian safety, all variance applications for clear vision areas submitted to the inspection and code enforcement department for review by the Board of Zoning Adjustments shall include a letter from the parish traffic engineering division stating support for or objection to the proposed clear vision area based on evidence that detrimental impacts on vehicle or pedestrian safety would not occur in the case of support or would occur in the case of objection; the applicant shall request the letter from the parish traffic engineering division and submit the letter with the variance application.
- (3) *Council variances.* Properties located in zoning districts that require Jefferson Parish Council approval for variances or properties containing uses that require Jefferson Parish Council approval for variances shall meet the clear vision area regulations of this article unless a variance is granted by the parish council, except that the applicant shall not be required to obtain the letter from the parish traffic engineering division.



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

**YEAS:        7        NAYS:        None        ABSENT:        None**

The ordinance was declared to be adopted on this the **30<sup>th</sup> day of April, 2014**, and shall become effective as follows, if signed by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.