

On motion of Mr. Walker, seconded by Mr. Templet, the following ordinance was offered:

**SUMMARY NO. 26026 ORDINANCE NO. 26526**

An ordinance to amend Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of the Parish of Jefferson, to establish and amend zoning regulations and standards for mechanical equipment; and provide for related matters; as recommended by a study authorized by Council Resolution No. 137391 adopted on March 31, 2021. (Parishwide)

**WHEREAS**, the Jefferson Parish Council, through Resolution No. 137391 adopted March 31, 2021, authorized the Planning Department and the Planning Advisory Board to conduct a text study with the intent of establishing and amending zoning regulations and standards for mechanical equipment, and providing for related matters; and

**WHEREAS**, the Home Builders Association of Greater New Orleans (HBAGNO) requested the Planning Department study side yard setback requirements for mechanical equipment in March 2021; and

**WHEREAS**, the term *mechanical equipment* is not currently defined in the Code of Ordinances, but generally consists of any fabricated or pre-fabricated machine or object that is ancillary or supportive in function, which includes, but is not limited to, any appliance, apparatus, equipment, or component that comprises any part of a heating or air conditioning system, generator, pool pump, or filter equipment; and

**WHEREAS**, mechanical equipment, especially generators, provide essential support to residents during natural disasters, weather events, and other power outages; and

**WHEREAS**, over the last few years, there has been a substantial increase in the volume of generator permits processed by Jefferson Parish, with over 1,200 generator permits submitted to Jefferson Parish between August 29, 2021 through August 3, 2022; and

**WHEREAS**, although generators can benefit the community, many emit carbon monoxide, which may poison individuals who rely on these machines to keep their family safe, especially during extended power outages; and

**WHEREAS**, since Hurricane Ida, the State of Louisiana and Jefferson Parish have addressed life safety issues related to generator installation; and

**WHEREAS**, aside from zoning restrictions, the National Fire Protection Association (NFPA), applicable codes (i.e. building codes, mechanical codes, etc.), and other Department of Inspection and Code Enforcement requirements can limit where generators can be installed on a development site; and

**WHEREAS**, in Spring 2022, Jefferson Parish established a new procedure for generator permits, which includes a pre-inspection by a Parish Building Inspector to verify that required distances specified in the manufacturer specifications and other applicable codes are met; and

**WHEREAS**, the State of Louisiana passed a new law that requires carbon monoxide detectors in one- or two-family dwellings at the time of a sale or lease or when a generator is installed; and

**WHEREAS**, Jefferson Parish's regulations in the Code of Ordinances are not clear for mechanical equipment, nor address additional distance restrictions and life safety issues associated with whole house standby generators; and

**WHEREAS**, there are no specific setback requirements or definition for mechanical equipment in the Code of Ordinances, thus, Jefferson Parish has been applying certain standards for accessory buildings and structures to mechanical equipment; and

**WHEREAS**, the lack of clear requirements for mechanical equipment add confusion over standards and may delay or lengthen the review process; and

**WHEREAS**, establishing regulations and standards for mechanical equipment and other related matters, as well as, adding definitions for *mechanical*

*equipment* and *generator* will help simplify the regulations and streamline the review procedures; and

**WHEREAS**, allowing generators to be located within the buildable area, rear yard, and at least five (5) feet from the side property line for single-, two-, three-, and four-family dwellings, is consistent with current setbacks applied in practice, addresses manufacturer specifications and applicable code requirements related to life safety, and provides some flexibility for larger lot zoning districts like the R-1B, R-1C, and R-1D; and

**WHEREAS**, other types of mechanical equipment, like pool equipment or air conditioning units, do not pose the same life safety risk as generators, thus requiring a smaller side yard setback, a minimum of two (2) feet from the side property line is appropriate, provided that at least one (1) side yard area shall maintain at least five (5) feet of unobstructed access from the nearest side lot line; and

**WHEREAS**, allowing mechanical equipment to be located within the buildable area on multiple-family and non-residential sites is consistent with current standards applied in practice; and

**WHEREAS**, aside from zoning restrictions, the National Fire Protection Association (NFPA), other applicable codes (i.e. building codes, mechanical codes, etc.), and other Department of Inspections and Code Enforcement requirements can limit where generators can be installed on a development site; and

**WHEREAS**, adding additional restrictions on variances for generators, including requiring the Board of Standards and Appeals approval prior to review and judgement from the Board of Zoning Adjustments (BZA) or the Council, will help ensure life safety issues are addressed before zoning matters are considered; and

**WHEREAS**, requiring carbon monoxide detectors with installation of a generator is consistent with State law; and

**WHEREAS**, excluding utility meters, gas meters, wall mounted communication interfaces, tankless water heaters, electrical service panels, electrical disconnect devices, above ground tanks, underground tanks, and the necessary conduit piping needed for the wall mounted equipment, as part of the new definition for *mechanical equipment* will add clarity to the new regulations; and

**WHEREAS**, the proposed definition for *generator* will not include solar generators, solar panels, wall mounted storage batteries used for backup electrical service, or other similar alternative energy resources; and

**WHEREAS**, these recommendations promote the health, safety, and the general welfare of the residents of Jefferson Parish and support the Comprehensive Plan goals; and

**WHEREAS**, the Jefferson Parish Planning Department has met with various Jefferson Parish departments and stakeholders over the course of the study; and

**WHEREAS**, the Planning Director of this Parish has caused to be duly advertised, as prescribed by law, a public hearing in connection with the text amendment under Docket No. TXT-2-22; and

**WHEREAS**, a public hearing was held by the Planning Advisory Board, in accordance with law.

**NOW, THEREFORE, THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** That Chapter 33 Unified Development Code, Sec. 33-3.51.2. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.51.2. Authorized uses.**

- (a) *Use Matrix*. For the table of authorized uses in this district, see Sec. 33-3.50, Mixed-use base zoning districts use matrix, of this UDC.

\* \* \*

- (c) *Accessory uses or structures*.

- (1) Accessory uses in a dwelling are allowed in accordance with Division 1,

Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.

- (2) Accessory uses or structures are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (e) *Home occupations.* Home occupations are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.

**SECTION 2.** That Chapter 33 Unified Development Code, Sec. 33-3.52.2. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.52.2. Authorized uses.**

- (a) *Use Matrix.* For the table of authorized uses in this district, see Sec. 33-3.50, Mixed-use base zoning districts use matrix, of this UDC.

\*                      \*                      \*
- (c) *Accessory uses or structures.* Accessory uses or structures are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (e) *Home occupations.* Home occupations are allowed in accordance with Division 1, Specific Uses Standards, of Article 5, Supplemental Conditions, of this UDC.

**SECTION 3.** That Chapter 33 Unified Development Code, Sec. 33-3.53.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.53.3. Authorized uses.**

- (a) *Use Matrix.* For the table of authorized uses in these districts, see Sec. 33-3.50, Mixed-use base zoning districts use matrix, of this UDC.

\*                      \*                      \*
- (c) *Accessory buildings, structures, and uses.* Accessory buildings, structures, and uses are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC, provided that the accessory building, structure, or use is used or operated by the owner or a tenant in the principle structure.
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (e) *Home occupations.* Home occupations are allowed in accordance with Division 1, Specific Uses Standards, of Article 5, Supplemental Conditions, of this UDC.

**SECTION 4.** That Chapter 33 Unified Development Code, Sec. 33-3.54.2. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.54.2. Authorized uses.**

- (a) *Use matrix.* For the table of authorized uses in these districts, see Sec. 33-3.50, *Mixed-use base zoning districts use matrix*, of this UDC.

\*                      \*                      \*
- (c) *Accessory buildings, structures, and uses.* Accessory buildings, structures, and uses are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC, provided that

the accessory building, structure, or use is used or operated by the owner or a tenant in the principle structure.

- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (e) *Home occupations.* Home occupations are allowed in accordance with Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.

**SECTION 5.** That Chapter 33 Unified Development Code, Sec. 33-3.58.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.58.3. Authorized uses.**

- (a) *Use Matrix.* See Table 33-3.50-1, Authorized Land Uses for Mixed-Use Base Zoning Districts of this UDC for authorized uses.

\* \* \*

- (c) *Accessory uses or structures.* Accessory uses or structures are allowed in accordance with Sec. 33-5.3.1, Accessory uses in a dwelling, and Sec.33-5.3.2, Accessory buildings, structures, and uses, in Article 5 Supplemental Conditions, of this UDC.
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (e) *Home occupations.* Home occupations are allowed in accordance with Division 1, Specific Uses Standards, of Article 5, Supplemental Conditions, of this UDC.

**SECTION 6.** That Chapter 33 Unified Development Code, Sec. 33-3.65.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.65.3. Authorized uses.**

- (a) See underlying zoning district. Authorized accessory buildings, structures, and uses shall comply with Division 1. Specific Use Standards of Article 5. Supplemental Conditions of this UDC.
- (b) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.

**SECTION 7.** That Chapter 33 Unified Development Code, Sec. 33-3.66.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.66.3. Authorized uses.**

- (a) See underlying zoning district. Authorized accessory buildings, structures, and uses shall comply with Division 1. Specific Use Standards of Article 5. Supplemental Conditions of this UDC.
- (b) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.

**SECTION 8.** That Chapter 33 Unified Development Code, Sec. 33-3.67.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.67.3. Authorized uses.**

- (a) Authorized uses in this district are those uses authorized in the underlying zoning district.
- (b) *Accessory buildings, structures, and uses.* Authorized accessory buildings, structures, and uses shall be subject to Division 1, Specific Use Standards, of Article 5, Supplemental Conditions, of this UDC.
- (c) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.

- (d) *Development Patterns*. The following development patterns are allowed and are subject to the standards of Article 5, Supplemental Conditions, Division 2, Development Patterns, of this UDC.

\* \* \*

**SECTION 9.** That Chapter 33 Unified Development Code, Sec. 33-3.69.3. Authorized uses, is hereby amended to read as follows:

**Sec. 33-3.69.3. Authorized uses.**

Permitted uses in the FOD are those uses permitted in the underlying zoning district, except that the following modifications shall apply where uses described in this section are authorized in the underlying zoning district:

\* \* \*

- (4) *Accessory uses or structures*. Accessory uses or structures are allowed in accordance with Sec. 33-5.3.1, Accessory uses in a dwelling, and Sec. 33-5.3.2, Accessory buildings, structures, and uses, within Article 5. Supplemental conditions of this UDC.
- (5) *Mechanical equipment*. Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this UDC.
- (6) *Home occupations*. Home occupations are allowed in accordance with Division 1, Specific Uses Standards, of Article 5, Supplemental Conditions, of this UDC.
- (7) Notwithstanding anything herein to the contrary, agricultural, timber, natural resource exploration and extraction, and other resource based uses are permitted and authorized in undeveloped areas of the U-1S and/or FOD without further approval until such time as those specific areas are approved for development by the Council.

**SECTION 10.** That Chapter 33 Unified Development Code, Sec. 33-6.9.2. Residential sites (reserved)., is hereby amended to read as follows:

**Sec. 33-6.9.2. Single-, two-, three-, and four-family residential sites.**

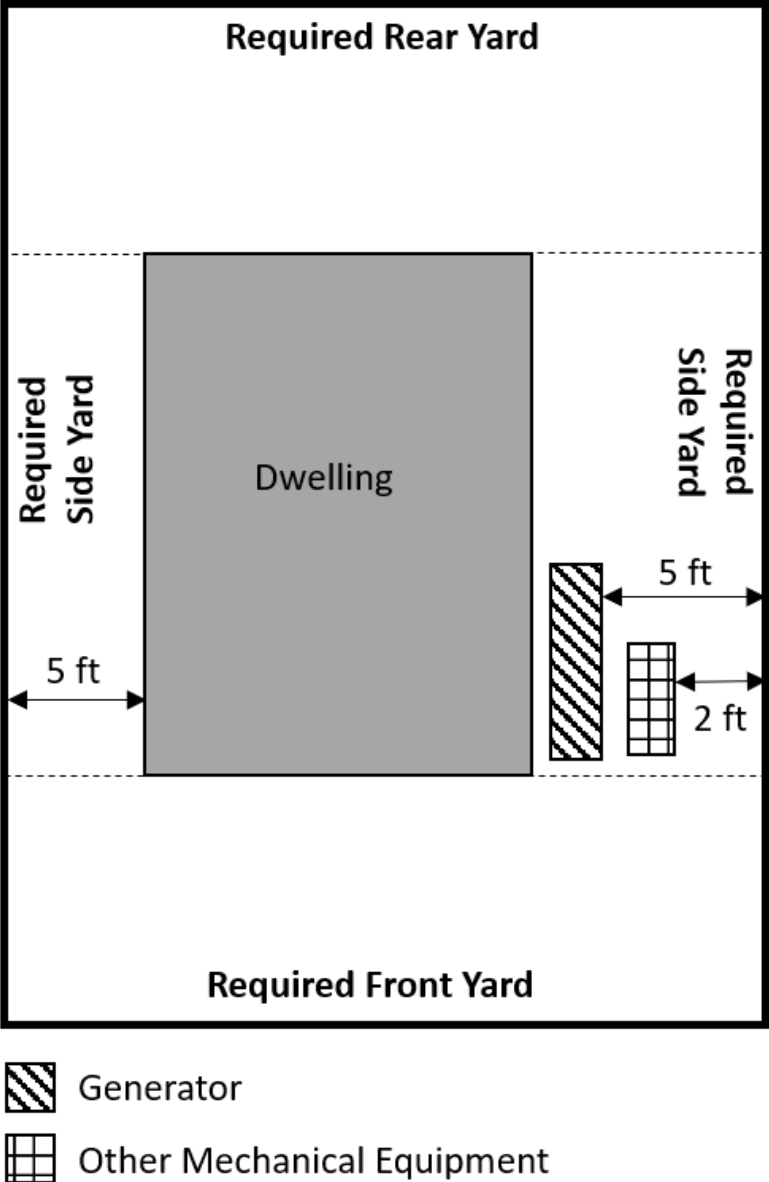
**Sec. 33-6.9.2.1. Fences and walls.**

See Sec. 40-743.5. *Regulations for fences* of this Code.

**Sec. 33-6.9.2.2. Mechanical equipment.**

- (a) *Setback requirements*. Generators, pool equipment, air conditioning units, and other types of mechanical equipment:
  - (1) *Front Yard*. Shall not be located in the required front yard.
  - (2) *Side Yard*. May be located in the required side yard, provided that:
    - a. Generators shall be set back at least five (5) feet from any side property line. For corner lots, generators shall be located at least five (5) feet from the property line abutting the side street and shall not obstruct any clear vision area (see Figure 33-6.9.2.2-1).
    - b. Any other type of mechanical equipment shall be set back at least two (2) feet from any side property line, provided that at least one (1) side yard area shall maintain at least five (5) feet of unobstructed access from the nearest side lot line and the mechanical equipment shall not obstruct any clear vision area (see Figure 33-6.9.2.2-1).
  - (3) *Rear Yard*. May be located in the required rear yard at least three (3) feet from the property lines provided that the mechanical equipment shall not obstruct any clear vision area.

Figure 33-6.9.2.2-1: Side Yard Setback Restrictions for Mechanical Equipment.



- (b) *Roof-mounted mechanical equipment.*
- (1) Mechanical equipment installed on a roof shall not exceed the maximum building height permitted in the base zoning district.
  - (2) Screening is required in the Old Metairie Neighborhood Conservation District (OMNCD) found in Sec. 33-3.65.5.1.
- (c) *Variances and appeals.* Notwithstanding the provisions of the Code for variances, only the Board of Zoning Adjustments (BZA) or Parish Council, as applicable, may grant variances from these standards, except that the BZA or Parish Council, as applicable, shall not grant a zoning variance for the installation of a generator that does not meet all other applicable codes, unless the Board of Standards and Appeals (BSA) has approved the necessary variance or appeal(s) from the applicable technical code(s) per Sec. 8-1-105.

**SECTION 11.** That Chapter 33 Unified Development Code, Sec. 33-6.9.3.4. Mechanical and service equipment and areas, is hereby amended to read as follows:

**Sec. 33-6.9.3.4. Mechanical and service equipment and areas.**

(a) *Dumpsters.* Where permitted, dumpsters shall:

\* \* \*

(b) Where possible, vending machines, ice machines, and restrooms shall be

located inside the main building.

(c) *Mechanical equipment.*

- (1) *Setback requirements.* Generators, pool equipment, air conditioning units, and other types of mechanical equipment shall meet the setbacks required by the base zoning district.
- (2) *Roof-mounted mechanical equipment.* Mechanical equipment installed on a roof shall not exceed the maximum building height permitted in the base zoning district.
- (3) *Variances and appeals.* Notwithstanding the provisions of the Code for variances, only the Board of Zoning Adjustments (BZA) or Parish Council, as applicable, may grant variances from these standards, except that the BZA or Parish Council, as applicable shall not grant a zoning variance for the installation of a generator that does not meet all other applicable codes, unless the Board of Standards and Appeals (BSA) has approved the necessary variance or appeal(s) from the applicable technical code(s) per Sec. 8-1-105.

**SECTION 12.** That Chapter 33 Unified Development Code, Sec. 33-10.2. Definitions applicable to this entire UDC, is hereby amended to read as follows:

**Sec. 33-10.2. Definitions applicable to this entire UDC.**

\* \* \*

*Garage, storage* shall mean a building or portion thereof designed or used for storage only of five (5) or more motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and lubricants are not sold and motor-driven vehicles are not equipped, hired, repaired or sold.

*Generator* shall mean any permanently mounted stand-by unit(s), that involve(s) gas or combustible fuel operated machinery used for the purpose of temporarily supplying electricity. This does not include portable generators, solar generators, solar panels, wall mounted storage batteries used for backup electrical service, or other similar alternative energy resources.

*Grade* shall mean the elevation of the ground at a building or building site.

\* \* \*

*Mass* shall mean the overall proportion of a structure, including size, height and symmetry, relative to the original proportion of the structure and surrounding structures in the vicinity.

*Mechanical Equipment* shall mean any equipment used for mechanical services that include heating, cooling, and ventilation equipment; or pool equipment; or any sustainable energy systems, and generators (see “*generator*”), excluding utility meters, gas meters, wall mounted communication interfaces, tankless water heaters, electrical service panels, electrical disconnect devices, above ground tanks, underground tanks, and the necessary conduit piping needed for the wall mounted equipment named herein.

*Minor Subdivision* shall mean the minor subdivision of land as defined by state statute.

\* \* \*

**SECTION 13.** That Chapter 40 Zoning, Sec. 40-3. Definitions, is hereby amended to read as follows:

**Sec. 40-3. Definitions.**

\* \* \*

*Garage, storage* shall mean a building or portion thereof designed or used for storage only of five (5) or more motor-driven vehicles pursuant to previous

arrangements and not to transients, and at which automobile fuels and lubricants are not sold and motor-driven vehicles are not equipped, hired, repaired or sold.

*Generator* shall mean any permanently mounted stand-by unit(s) that involve(s) gas or combustible fuel operated machinery used for the purpose of temporarily supplying electricity. This does not include portable generators, solar generators, solar panels, wall mounted storage batteries used for backup electrical service, or other similar alternative energy resources.

*Government structures and land* shall mean any government building or other structure or land held, used, or controlled by the Parish of Jefferson, or its assigns for public purposes, or any government building, structure or land used by any department or branch of federal, state, or parish government, or other political subdivision, for public purposes, except correctional institutions or mental hospitals.

\* \* \*

*Manufactured home: (manufactured housing).* See "mobile home."

*Mechanical Equipment* shall mean any equipment used for mechanical services that include heating, cooling, and ventilation equipment; or pool equipment; or any sustainable energy systems, and generators (see "*generator*"), excluding utility meters, gas meters, wall mounted communication interfaces, tankless water heaters, electrical service panels, electrical disconnect devices, above ground tanks, underground tanks, and the necessary conduit piping needed for the wall mounted equipment named herein.

*Medical waste* shall mean that portion of potentially-infectious biomedical waste that is generated from the operation of medical programs, offices or facilities.

\* \* \*

**SECTION 14.**That Chapter 40 Zoning, Sec. 40-129. Area requirements for permitted uses, is hereby amended to read as follows:

**Sec. 40-129. Area requirements for permitted uses.**

- (a) *Minimum yard requirements.*  
\* \* \*
- (c) *Accessory structures.*  
\* \* \*
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this Code.

**SECTION 15.**That Chapter 40 Zoning, Sec. 40-149. Area requirements for permitted uses, is hereby amended to read as follows:

**Sec. 40-149. Area requirements for permitted uses.**

- (a) *Minimum yard requirements.*  
\* \* \*
- (c) *Accessory structures.*  
\* \* \*
- (d) *Mechanical equipment.* Mechanical equipment is allowed in accordance with Sec. 33-6.9. Site design of this Code.

**SECTION 16.** That Chapter 40 Zoning, Sec. 40-742. Exceptions and modifications to use regulation, is hereby amended to read as follows:

**Sec. 40-742. Exceptions and modifications to use regulation.**

- (a) Existing railroads and utilities may continue to be operated and maintained in residential and commercial districts, but no new railroad or utility structure other than the usual poles, transformers, and similar appurtenances, wires, underground utilities, electric sub-station and gas metering and pressure regulating stations shall be established in such

districts except when so authorized by the Inspection and Code Enforcement Director.


- (b) Temporary buildings used in conjunction with construction work only may be permitted in any district during the period the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
- (c) Coin-operated gaming device(s) are prohibited in any establishment within three hundred (300) feet of a church, playground or school as measured from any property line; however, those existing establishments containing and operating gaming device(s) within three hundred (300) feet of a church, playground or school who discontinue operation will have six (6) months from discontinuance date to reestablish their operation, after which time the operation of such gaming device(s) in these establishments is not permissible. This six-month time period does not apply if the gaming device(s) have been physically removed from the establishment.
- (d) Incineration devices shall be prohibited within three hundred (300) feet of any residential zoned property.

**SECTION 17.** That the Municipal Code Corporation is hereby authorized and directed to correct any cross-references within the code that are affected by the renumbering of sections or subparagraphs via this ordinance.

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

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

This ordinance was declared to be adopted on the **14<sup>th</sup> day of December, 2022**, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption, thereafter, upon signature by the Parish President or, if not signed by the Parish President, upon expiration of the time of 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.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY  
  
EULA A. LOPEZ  
PARISH CLERK  
JEFFERSON PARISH COUNCIL