



Planning
Department

Bessie L. Martin
Director

STAFF REPORT Text Study

Docket No. TXT-2-21

Summary No. 25851

Old Metairie Neighborhood Conservation District
(OMNCD)

PARISH COUNCIL

A: Ricky J. Templet

B: Scott Walker

1: Marion F. Edwards

2: Deano Bonano

3: Byron Lee

4: Dominick F. Impastato, III

5: Jennifer Van Vrancken

Cynthia Lee Sheng
Parish President

504-736-6320 | Yenni Building, 1221 Elmwood Park Blvd, Ste 601, Jefferson, LA 70123 | jplanning@jeffparish.net

Study Intent: Reformat sections of the Code; clarify existing regulations of the Old Metairie Neighborhood Conservation District (OMNCD); establish new standards and procedures when necessary to support the purposes of the district; and provide for related matters.

Council District: Parish-wide

Authorization: Planning Director
(10/2/2014)

OMC Hearing: 10/07/2021

PAB Hearing: 11/18/2021

**Last Meeting Date
for Council Action:** 3/23/2022

OVERVIEW

The Parish Council adopted Ordinance No. 18547 in July of 1992, which created the Old Metairie Neighborhood Conservation District (OMNCD) as an overlay district and mapped the district between Airline Drive and Metairie Road, Orpheum Avenue, and the Metairie Country Club. The original ordinance established design standards, regulations, and procedures for development. As part of the ordinance, the Old Metairie Commission (OMC) was created to advise the Parish Council on development proposals relative to regulations of the OMNCD. Since 1992, the Council has amended the OMNCD regulations to address issues related to tree preservation, building height, fill, bulk and mass of structures, the OMC structure, and other related matters.

Chapter 33 Unified Development Code (UDC) was adopted by the Parish Council in 2008. Since its adoption, it has been the intent of the Parish to move all of the zoning regulations into Chapter 33 to create a true Unified Development Code. Over the years base and overlay zoning districts have been transferred, reorganized, and amended from Chapter 40 to Chapter 33.

In moving the OMNCD to Ch. 33, Staff has identified amendments to make the OMNCD regulations compatible with the UDC format and more user friendly; and address more substantive issues with the existing regulations.

STAFF RECOMMENDATION

- Reformat existing language in the UDC format and transfer provisions to appropriate sections, as applicable;

- Address housekeeping issues like outdated provisions, redundancy, missing information, and errors and inconsistencies within the OMNCD section;
- Make minor clarifications to address provisions that are vague or unclear; and
- Make substantive changes to OMNCD regulations to address long-standing and new issues within the existing provisions.

OLD METAIRIE COMMISSION RECOMMENDATION

On October 7, 2021, the OMC deferred to November 4, 2021 (see OMC minutes).

On November 4, 2021, the OMC deferred to December 2, 2021 (see OMC minutes).

On December 2, 2021, the OMC recommended approval, with the stipulation that:

- No more than thirty-five percent (35%) of the required front yard or corner side yard, calculated separately, shall consist of impervious paving or other impervious surfaces;
- An additional ten percent (10%) of the required front and corner yard may consist of pervious paving or other permeable surfaces; however
- The remaining portion of the required front and corner side yard (55%) shall be allocated for green area(s) comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees (see OMC minutes).

PLANNING ADVISORY BOARD RECOMMENDATION

On November 18, 2021 the PAB deferred to December 16, 2021 (see PAB minutes).

On December 16, 2021 the PAB deferred to January 13, 2022 (see PAB minutes).

On January 13, 2022 the PAB recommended approval (see PAB minutes).

CONTENTS

Background	3
Analysis.....	7
Conclusion and Staff Recommendation	54
Amended Ordinance	58

BACKGROUND

History of the OMNCD

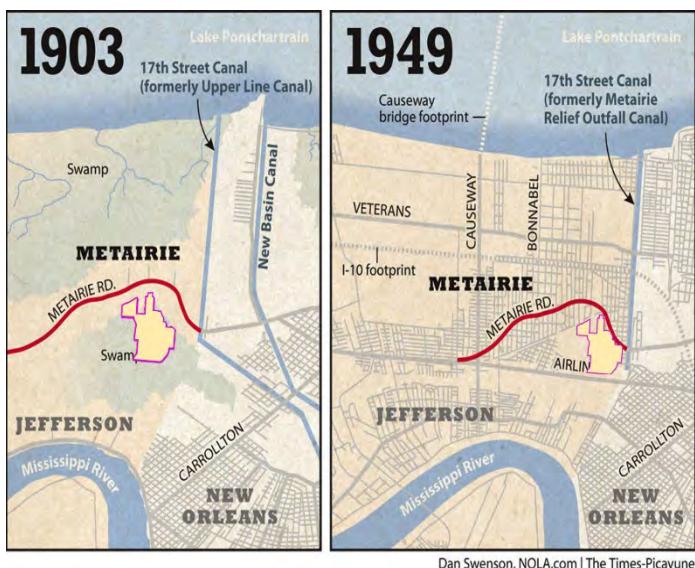


Figure 1. Map of Metairie Ridge and surrounding area (early- mid 20th century) with OMNCD overlay

Image Source:

https://www.nola.com/neighborhoods/2015/05/old_metairie_day_2_what_is_in.html

Old Metairie Historic Preservation District Study. This study involved multiple Parish departments and stakeholders. The original proposal included, but was not limited to, the following:

- Design guidelines related to setbacks and streetscape, mass, exterior materials, additions and accessory structures, and public infrastructure improvements;
- Historic preservation elements;
- Tree preservation;

Creation

Old Metairie is located in the northeastern portion of Jefferson Parish and is one of the area's oldest and most established neighborhoods. The neighborhood was first settled during the French colonial period near the Metairie Ridge and was primarily developed in the early twentieth century (Figure 1).¹

Over time, small-scale historic structures of the neighborhood were replaced with larger, more modern homes. Efforts were made to establish a historic preservation district to combat this trend in the neighborhood in 1991.

During that year, the Jefferson Parish Planning Department completed the

¹ Jefferson Parish Planning Department (1991) Docket E-18-91: Zoning Report, Old Metairie Neighborhood Conservation District. Ordinance No. 18547.

- Violation provisions; and
- The establishment of the Old Metairie Commission (OMC).

In 1992, the Council adopted the OMNCD and mapped it on the portion of Old Metairie bounded by the New Orleans Terminal right-of-way to the north, Metairie Road and Orpheum Avenue to the east, and the Metairie Country Club to the south and west, excluding properties zoned Neighborhood Commercial (C-1), the Metairie Country Club, Metairie Country Day School, and St. Francis Xavier Church and School (Ordinance No. 18547). The proposed historic preservation elements were not adopted.

The OMNCD is approximately 135 acres² and includes 528 development sites. It is an overlay district in addition to the underlying R-1A Single-Family Residential, R-1B Suburban Residential, R-1C Rural, R-1D Rural, R-2 Two-Family Residential, and RR-3 Three- and Four-Family Residential base zoning (Figure 2).

Amendments

Since 1992, the Council has amended the OMNCD regulations to address issues related to tree preservation, building height, fill, bulk and mass of structures, the OMC structure, and other related matters (Table 1).

Table 1. Summary of OMNCD-Specific Amendments

Date/ Docket/ Ordinance No.	Subject	Description
7/1/92/ E-18-91/ 18547	OMNCD	<ul style="list-style-type: none"> • Created the OMNCD • Added design guidelines and other district-specific provisions • Established OMC to review development proposals in accordance with regulations and make recommendation to JP Council • Authorized changes to the official zoning map

² Excluding rights-of-way

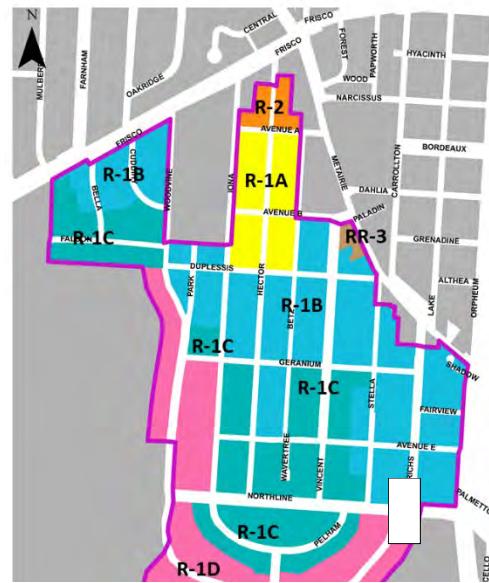


Figure 2. OMNCD Overlay Boundary and Base Zoning (6/23/2021)

Table 1. Summary of OMNCD-Specific Amendments

Date/ Docket/ Ordinance No.	Subject	Description
7/12/95 E-12-95/ 19424	Sign Postings	<ul style="list-style-type: none"> Added sign posting requirements for OMC public hearings
8/7/02 TXT-2-02/ 21633	Tree Preservation	<ul style="list-style-type: none"> Amended and clarified the tree preservation criteria in OMNCD regulations Added required tree survey, 2:1 tree replacement, and tree protection fencing
9/29/04 TXT-7-04/ 22323	Building Height	<ul style="list-style-type: none"> Established new method for height measurement in the OMNCD Added definitions for roof types Modified general building height provisions and OMNCD submittal requirements
12/12/07 TXT-5-07/ 23201	Fill	<ul style="list-style-type: none"> Established fill regulations including variance process Added reference to <i>Louisiana Speaks: Pattern Book</i> and compatibility review Added provisions for measurement of fences on retaining walls and construction fencing Added development standards and height allowance for raised dwellings Added reference to MRTPD regulations Addressed access for individuals with disabilities Amended building height definition, application requirements, and exterior material and general mass provisions
12/7/11 TXT-5-11/ 24169	Housekeeping	<ul style="list-style-type: none"> Amended regulations related to submittal requirements, public hearings, lot orientation, façade massing, exterior materials and design, fencing, tree preservation, fill, and variance procedures
1/15/14 TXT-5-13/ 24640	Side-yard Massing Angle	<ul style="list-style-type: none"> Clarified levels of review and site plan procedures, and submittal requirements Added side-yard massing angle requirements and development standards for roof elements and equipment

5/24/17 TXT-3-17/ 25365	OMC Appointments	<ul style="list-style-type: none"> • Modified and clarified the appointment, terms, and OMC-related provisions
-------------------------------	---------------------	---

OMNCD Today

The OMNCD is an overlay district that imposes requirements in addition to the underlying base zoning district. Regulations in the base district vary by district, but, in general, include provisions related to permitted uses, building height, area, signs, exterior wall materials, off-street parking and clear vision requirements, and landscaping for non-residential principal uses. The regulations of the OMNCD and the six underlying districts are currently located in Chapter 40, Zoning, with OMNCD requirements in Article X. Old Metairie Neighborhood Conservation District (OMNCD).

Unified Development Code (UDC)

A traditional approach to zoning may include separate chapters for zoning, subdivisions, floodplain, and other related regulations. A unified development code (UDC) functions as an alternative to a typical zoning code, with development related-zoning and subdivision regulations consolidated into a single code.³ The UDC is designed to streamline and simplify the development process of permits and approval with the use of clear, concise language, graphics, and use of cross-references. Many local governments organize their regulations by common articles and utilize use matrices that clarify permitted uses and other requirements that are applicable to certain zoning districts.

The Parish Council created the UDC in Chapter 33 of the Code of Ordinances in February 2008 and populated it with subdivision regulations. Since its adoption, it has been the intent of the Parish to move all of the zoning regulations into Chapter 33.

As the Planning Department conducts studies and transfers zoning district provisions from Chapter 40 Zoning to Chapter 33, provisions for base and overlay zoning districts need to be reorganized and revised to be made consistent with the UDC format.

Methodology

Staff reviewed the Parish's current land use and zoning regulations, previous OMNCD cases, and regulations of other communities and agencies.

A number of internal working meetings with Current Planning Staff were held to identify and address issues with the administration of current and proposed regulations for the OMNCD. The Planning Department worked closely with the Department of Inspection and Code Enforcement (ICE) to gain a better understanding of how regulations affecting the OMNCD have been applied in practice and obtained input from the department on proposed amendments to the Code. Architects from the Tulane Regional Urban Design Center (TRUDC) reviewed current design guidelines and provided guidance in drafting

³ American Planning Association. "Property Topics and Concepts." <https://www.planning.org/divisions/planningandlaw/propertytopics.htm>

design-related amendments for the OMNCD. The Planning Department also conferred with the Department of Engineering, Parish Attorney's Office (PAO), and the Board of Zoning Adjustments (BZA) to address specific issues with the OMNCD regulations.

Throughout the course of the study, the Planning Department Staff made presentations related to the study and solicited input from the OMC on specific topics.

ANALYSIS

Organization

The current OMNCD regulations are located in the following sections of Chapter 40.

- Sec. 40-166 *Purpose*;
- Sec. 40-167 *Structure*;
- Sec. 40-168 *District boundaries*;
- Sec. 40-169 *Definitions*;
- Sec. 40-170 *Old Metairie Commission*;
- Sec. 40-171 *Review procedures*;
- Sec. 40-172 *Design guidelines*;
- Sec. 40-173 *Fill and Foundation Requirements*; and
- Sec. 40-174 *Violations*.

As an overlay district, the regulations of the underlying base zoning districts also apply; these regulations are located in other articles of Chapter 40. Additionally, other applicable regulations are located in other articles of Chapter 33 and Chapter 40.

Unlike Chapter 40, which devotes an article to each zoning district, Chapter 33 is organized by grouping similar provisions together. For example, provisions for all boards, committees, and decision-making entities are grouped in Article 1. Administration. OMNCD regulations must be reorganized and reformatted to fit the structure of Chapter 33 (Figure 3). Section references should be modified as necessary to facilitate the proposed changes.

A bulk of the provisions located in Chapter 40, Article X. are proposed to be moved to Chapter 33, UDC, Article 3 Zoning, Division 4. Overlay Zoning Districts, Sec. 33-3.65. *Old Metairie Neighborhood Conservation District (OMNCD)*.

Provisions related to notice, development, and site plan review procedures provided in Sec. 40-171 are covered more broadly in Chapter 33, Article 2. Procedures and should be amended to include OMNCD specific requirements related to notice and development review. As a related matter, the BZA provisions related posted notice should be made more consistent to that of the OMC and PAB.

The building height measurement provisions are located in Sec. 40-3. and Sec. 40-169. definitions sections in the Code. Measurement provisions are more appropriate in a central development standards sections than in the separate definition sections of the

Code. Sec. 33-6.7.2. *Measurement* in Chapter 33, is currently functioning as a placeholder that should be populated with the building height measurement requirements. The existing requirements should be maintained, but moved from Sec. 40-3. and 40-169.

Certain definitions in Sec. 40-169 should be maintained and moved to the applicable definition sections in Chapter 33. However, Ch. 40, Article X includes provisions that belong in other articles of Chapter 33, including provisions for the OMC, review procedures, height measurement, and definitions (Figure 3).

The threshold for review should be located under development approval instead of being grouped with the OMC provisions. To be consistent with the Planning Advisory Board, and other boards, and committees involved with development review, OMC-related provisions should be grouped with provisions for other boards, committees, and decision-makers in Article 1. Administration, in Chapter 33 and transferred to Sec. 33-1.25., currently being used as a placeholder for the OMC.

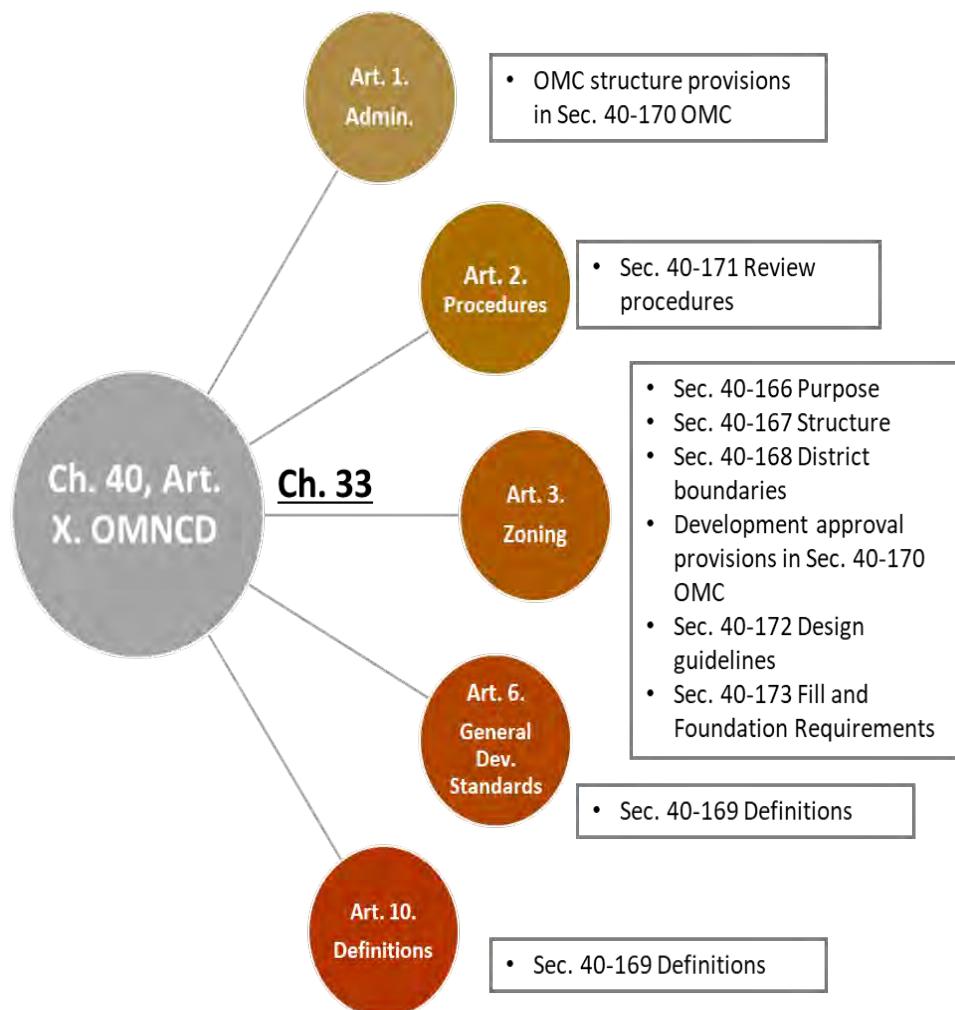


Figure 3. Proposed Restructuring of Chapter 40, Article X. Old Metairie Neighborhood Conservation District (OMNCD)

OMNCD provisions to be maintained

In evaluating the requirements of the OMNCD, the Planning Department finds that some provisions should be maintained as is, some should be maintained with minor changes, some should be substantially amended, and some should be removed. The Department also finds that new provisions are needed to address certain issues.

The following development standards and review provisions should be maintained with limited or no changes:

- Mass;
- Exterior materials;
- Roof features and equipment;
- Additions to existing structures;
- Elevated dwellings;
- Temporary fencing; and
- Subdivision procedures.

Mass

The OMNCD, regulates overall proportions, or mass, of principal buildings:

- The façade massing angle requirement addresses mass as perceived from the front lot line and is measured 45 degrees from BFE.
- The side-yard massing angle requirement addresses mass as perceived from the side lot lines and is measured 45 degrees from varying heights, depending on underlying zoning district, above BFE.
- No part of the principal building shall penetrate the façade or side-yard massing angles, except minor or incidental projections.
- Gable walls may penetrate the side-yard massing angle if the slope falls between 7:12 and 12:12.

No part of the proposed structure or addition to an existing structure, except for minor or incidental projections, may penetrate the façade or side-yard massing angles. There are additional massing provisions provided for gable walls and lots that do not meet the minimum lot width.⁴ The Planning Director determines incidental projections, which include, but are not limited to, chimneys, ornamental vents, and dormers.⁵

Mass provisions were added to the Code within the last ten years to help control mass as perceived from the front property line and side lot lines to help mitigate scale of structures throughout the neighborhood.^{6,7} The current provisions are appropriate, but there is no side-yard massing angle requirement for the R-2 and RR-3 zoning districts and more specification is needed for incidental dormers.

⁴ Jefferson Parish Code of Ordinances. Sec. 40-172 (1) a. 3.iii.D.

⁵ Jefferson Parish Code of Ordinances. Sec. 40-172 (1) a. 3. iii.C.

⁶ Jefferson Parish Planning Department (2012). Text Study. Docket TXT-5-11: OMNCD Housekeeping Study. Ordinance No. 24169

⁷ Jefferson Parish Planning Department (2014). Text Study. Docket TXT-5-13: Zoning Report, OMNCD Side-Yard Massing Angle. Ordinance No. 24640

Side-yard massing angle, R-2 and RR-3

In January 2014, side-yard massing angle requirements were added to the Code to help control mass as perceived from a structure's side in the OMNCD.⁸ The current requirements are broken down by underlying zoning district and are located in the definition for side-yard massing angle.⁹

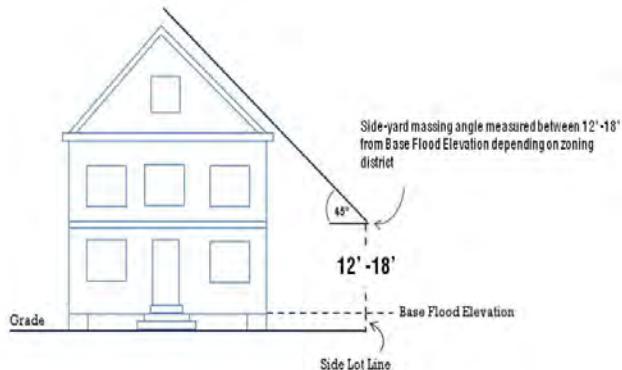


Figure 4. Side-Yard Massing Angle illustration
(Figure 40.169.2)

Side-Yard Massing Angle is defined as a forty-five (45) degree angle measured at the following heights above the BFE:

- R-1A Single-Family Residential District: eighteen (18) feet;
- R-1B Suburban Residential District: sixteen (16) feet;
- R-1C Rural Residential District: fourteen (14) feet; and
- R-1D Rural Residential District: twelve (12) feet (Figure 4).

Requirements for R-2 and RR-3 zoning district are missing from the side-yard massing angle definition. Proposed specifications should be consistent with other base zoning districts that have the same or similar side-yard setback requirements as the R-2 and RR-3 zoning districts. The R-2 side yard requirements correlate with the R-1A and the RR-3 district is consistent with the R-1B. Therefore, the same side-yard massing angle requirements from the R-1A should be applied to the R-2 district and the same setbacks for the R-1B should be applied to the RR-3 (Table 2).

Table 2. Summary of Side-Yard Setbacks and Side-Yard Massing Angle Requirements (feet)

	Existing			Proposed
Zoning	Side Yard	Corner Side	Massing Angle	Side- Yard Massing Angle
R-1A	5	10	18	18
R-1B	7	10	16	16
R-1C	10	10	14	14
R-1D	15	15	12	12
R-2	5	10	None	18
RR-3	7.5	12	None	16

⁸ Ibid.

⁹ Jefferson Parish Code of Ordinances. Sec. 40-169.

Dormers

Dormers range in size and design. Since there is no size threshold for differentiating between incidental and non-incidental dormers, the determination of whether or not a dormer is incidental is at the discretion of the Planning Director. Planning staff consulted with architects from the TRUDC and determined that adding the specification that dormers be considered incidental if the sum of the widths of all dormers is less than 30% width of the building façade would add the necessary specificity lacking in the existing regulations (Figure 5).

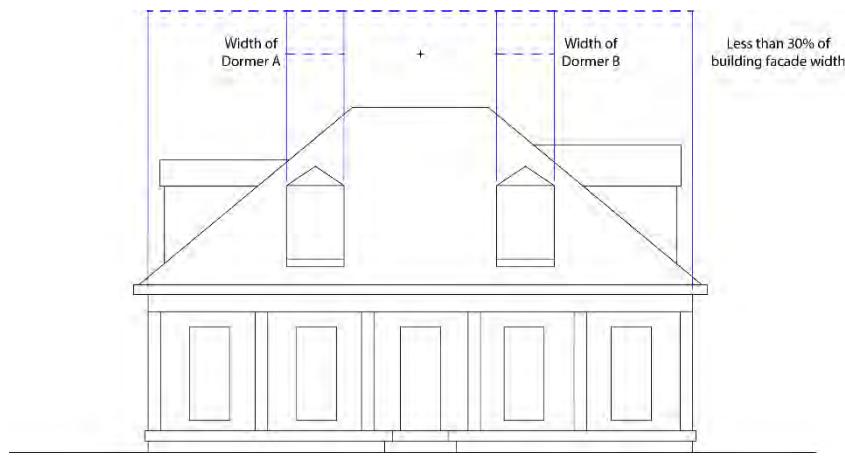


Figure 5. Threshold for Incidental Dormers Illustration

Exterior materials

The current OMNCD regulations require consistency in exterior building materials and design and restrict specific materials. Materials for additions or repairs are required to match existing structures. Structures are required to have similar style and quality windows on all exterior elevations. Synthetic stucco is allowed as an accent, but not a main finish. One key restriction on exterior material in the OMNCD, is the prohibition of the use of vinyl siding. Piers, posts, or columns must be finished with architecturally finished wood or masonry, including cement finish stucco, natural cement finish, brick, stone, or similar materials.¹⁰

Sec.40-46. includes general provisions for exterior materials of principal buildings for one-, two-, three-, and four-family dwellings that also apply in the OMNCD. Sec. 40-46 allows brick, stone, architectural block, stucco, glass, wood, fiber-cement siding and/or vinyl siding, and specifically excludes the use of prefabricated or corrugated metal panels and mirrored glass.¹¹

Current provisions are appropriate and should be maintained. Stating that Sec. 40-46. applies with restriction on synthetic stucco and prohibition of vinyl siding will help make it more clear which exterior materials are permitted in the district.

¹⁰ Jefferson Parish Code of Ordinances. Sec. 40-172(1)a.4.

Roof features and equipment

Development requirements for accessory roof features and equipment were added to the OMNCD regulations in 2014 as part of the OMNCD Side-Yard Massing Angle Study.¹² These regulations help mitigate impacts of features on adjacent properties and should be maintained.

Additions to existing structures

Consistency-related design criteria for additions, porches, decks, garages, and carports are requirements that have been in place in OMNCD since 1992. Consistency requirements support overall plan balance¹³, thus should be maintained, but reorganized.

Elevated dwellings

In Sec. 40-173, the existing limitations on use of the area beneath the floor of the lowest livable area and parameters for elevating within the boundary of the footprint of the structure fit more closely with the design standards for elevated dwellings than fill provisions and should be moved and maintained from fill provisions to building design standards (Table 3).

In 2007, design standards and landscaping requirements for elevated dwellings were added to the Code to soften the visual impact on surrounding buildings.¹⁴ They are appropriate and should be maintained. Other design-related provisions related to elevated dwellings, currently grouped with fill regulations, should be maintained, but moved to the building design section (Table 3).

Temporary fencing

Temporary fencing provisions for the OMNCD were established in 2012 to address security issues on vacant lots.¹⁵ Temporary fencing is permitted for sites under construction, demolition, or vacant subject to standards. Temporary chain link fences are permitted during construction or demolition and are exempt from the limitation on front yard fences, but must be removed within one month of expiration of the building permit. They are also permitted to secure vacant lots with OMC review and are required to be in line with either the nearest front building line of abutting lots or required front yard setback. The Code also provides additional standards for tree protection fencing.¹⁶

The existing provisions help increase security of lots and support a consistent streetscape and should be maintained. Temporary fences should also be exempt from proposed limitations on fences in the corner side yards.

Greenspace

¹² Ibid.

¹³ "In a dwelling unit design, all aspects of the plan must be proportional and consistent". The American Institute of Architects. *Architectural Graphic Standards*. John Wiley & Sons, Inc. 2000.P. 938.

¹⁴ Jefferson Parish Planning Department (2007). Docket TXT-5-07: Text Study, OMNCD Fill Study. Ordinance No. 23201.

¹⁵ Jefferson Parish Planning Department (2012) Text Study, Docket TXT-5-11: OMNCD Housekeeping. Ordinance No. 24169.

¹⁶ Jefferson Parish Code of Ordinances. Sec. 40-172 (1) a. 5.ii.B.

The OMNCD regulations include a list of exceptions to the MRTPD regulations.¹⁷ Two of the following exceptions are appropriate and should be maintained:

- Tree preservation, that is a part of OMNCD development, follows standard OMNCD procedures and is processed through the Planning Department instead of ICE; and
- Payments paid in lieu of replacement are allocated for tree planting on public property in the OMNCD.

Subdivision procedures

The prohibition of building over lot lines in the OMNCD was included in the original OMNCD ordinance and established a precedence for parish-wide restriction established in 2003, and does not need to be duplicated in the OMNCD section.¹⁸ Development sites with multiple lots are required to subdivide into one lot or lots of record prior to the issuance of building permit by the Parish. The new lot or lots created by the subdivision shall meet the area requirements of the zoning district. This requirement prohibits the creation of more substandard lots in the district and should be maintained under the subdivision procedures subsection.

Table 3. Summary of Provisions to be Maintained with Minor Changes

Type	Existing	Proposed
Mass	No part of proposed structure may penetrate façade or side yard massing angles, except for incidental projections; side-yard massing angle measurements for R-1 districts; and additional provisions for lots that are deficient in width and gable walls.	Maintain existing plus add threshold for incidental dormers Add side-yard massing requirements for the R-2 and RR-3 zoning districts
Exterior materials	Required consistency in materials & design; specifications and restrictions for certain materials	Maintain existing plus specify that: Sec. 40-46 applies with exclusions
Roof features and equipment	Height, setback & location requirements for roof features & equipment	Maintain
Additions to existing structures	Compatibility & consistency-related design criteria for additions, porches, decks, garages, and carports	Maintain
Elevated dwellings	Design standards & landscaping requirements for elevated dwellings	Maintain existing plus incorporate design-related provisions for elevated dwellings from fill requirements
Temporary Fencing	Temporary fencing provisions for vacant lots & sites under construction	Maintain

¹⁷ Jefferson Parish Code of Ordinances. Sec. 40-172 (2) a. 1.

¹⁸ Jefferson Parish Planning Department (2003). Docket TXT-5-03: Text Study, Lot Lines. Ordinance No. 22012.

Subdivision procedures	Development sites with multiple lots are required to subdivide into one (1) lot of record prior to the issuance of any permit by the Parish.	Maintain
-------------------------------	--	----------

OMNCD provisions to be amended

This analysis subsection focuses on issues within the existing regulations and proposed changes to the Code. Issues are addressed in this subsection by the proposed ordering of Sec. 33-3.65. *Old Metairie Neighborhood Conservation District (OMNCD)* (Figure 6).

Purpose

In general, the purpose of the OMNCD is to:

- Maintain physical environment;
- Promote reinvestment by fostering stable property values;
- Preserve mature architectural character;
- Set standards for compatibility with existing density and styles;
- Foster harmonious and efficient growth;
- Protect tree canopy and reduce impact on drainage infrastructure; and
- Encourage traditional regional architecture design.

Sec. 33-3.65. Old Metairie Neighborhood Conservation District (OMNCD)

- Sec. 33-3.65.1- Purpose
- Sec. 33-3.65.2- Generally
- Sec. 33-3.65.3- Authorized uses
- Sec. 33-3.65.4- Dimensional standards
- Sec. 33-3.65.5- Development standards
- Sec. 33-3.65.6- Adequate public facilities
- Sec. 33-3.65.7-Development review

Figure 6. Proposed Ordering for OMNCD regulations

Several of the purpose statement have been in place since 1992. Though several of the statements are still relevant, there are a few statements that need to be updated or removed to reflect existing district regulations and proposed amendments to the regulations. Additional statements are necessary to address streetscape consistency and new restrictions on lot coverage.

Modern architecture, demolitions, and new construction are not discouraged. Thus, the purpose statement related to the mature architectural character should be removed. The broad language pertaining to open character and streetscape in the OMNCD functions more as a purpose statement than a development standard and should be transferred to this section. Replacing the reference to “traditional regional architecture” with “high quality of architectural design” will reflect the shift in focus of the district from promoting regional architectural style to quality architectural design and form. A statement related to stormwater management is needed to accommodate proposed lot coverage provisions (Table 4).

Table 4. Summary of Existing and Proposed Changes to Purpose Statements

Existing	Proposed
Set standards for the maintenance of the eclectic architectural quality of the neighborhood by guiding new construction on residential parcels to be compatible with existing density and architectural styles	
To foster the harmonious, orderly, and efficient growth, development, and redevelopment of the Parish	Maintain
To protect and preserve the existing tree canopy in an effort to maintain and add aesthetic appeal, increase comfort and property values, temper climatic conditions, absorb rainwater thereby reducing impact on the drainage infrastructure, and generally improve the quality of life	
Promote reinvestment in the neighborhood by fostering stable property values and enhancing the economic viability of the neighborhood and the Parish in general	
Maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and the accommodation of desirable change	Remove “the enhancement of physical, social and economic resources”
Encourage construction design reflective of traditional regional architecture that is in harmony with the character of the district and reduces impacts from flooding, erosion, and sediment pollution to individual properties and to the conservation district as a whole	Replace reference to “traditional regional architecture” with “high quality of architectural design”
Preserve the mature architectural character of the neighborhood	Remove
None	Add new statements related to streetscape and stormwater management

Generally

There is a potential conflict between the following two general provisions:

- OMNCD is an overlay district that supersedes the underlying zoning district; and
- In case of a conflict, the more restrictive applies.

These provisions are potentially conflicting in cases where the OMNCD is less stringent than the provisions of the underlying zoning districts. To remedy the existing conflict, the OMNCD should supersede other code provisions even in case where the district regulations may be less restrictive.

The CPZ-Ped regulations specify that where the overlay district is silent on a standard,

the standard of the underlying zoning district applies.¹⁹ Adding a similar provision in the OMNCD would specify how to handle situations where the OMNCD is silent.

The OMNCD does not specify if and when or other sections of the Code apply. Adding appropriate cross references to other sections that apply will make the OMNCD provisions and related regulations more user friendly and easier to navigate.

Authorized uses

Current OMNCD regulations do not specifically state that uses allowed in the underlying zoning district-including accessory buildings, structures, and uses- are permitted in the OMNCD. Adding this section will clarify uses permitted in the overlay zoning district.

Accessory buildings, structures, and uses

The OMNCD regulations state that setbacks for accessory structures and uses, including accessory buildings that are not raised, shall follow the front, side and rear yard setbacks of the underlying zoning district.²⁰

For the R-1A, R-1B, R-2, and RR-3, there are no specific setback requirements for such features, triggering Chapter 33, Division 1, Article 5 (Sec. 33-5.3.2.) and Article XXXIX. Exceptions and Modifications in Chapter 40 to apply.²¹

Accessory buildings, structures, and uses, including swimming pools, located in the R-1A, R-1B, R-2, and RR-3 are allowed in the side and rear yard subject to setback restrictions and other standards. For accessory buildings, structures, and uses located in the R-1C and R-1D, the provisions of the underlying zoning district supersede Sec. 33-5.3.2. and Article XXXIX. Exceptions and Modifications in Chapter 40, when conflicting. Quantity, height, and coverage restrictions apply to accessory buildings and structures allowed in the rear or side yard (Table 5).

¹⁹ Jefferson Parish Code of Ordinances. Sec. 33-3.67.2.

²⁰ Jefferson Parish Code of Ordinances. Sec. 40-172(1)a.(ii).

²¹ Similar provisions provided in Sec. 33-5.3.2. and Chapter 40 Article XXXIX. Exceptions and Modifications.

Table 5. Summary of Existing and Proposed Standards for Accessory Buildings, Structures

Category	Existing		Proposed
	R-1A, R-1B, R-2, and RR-3	R-1C and R-1D	
General	Exceptions apply	Underlying zoning district, Exceptions, and Sec. 33-5.3.2. apply	Sec. 33-5.3.2.and Exceptions and Modifications apply, regardless of underlying district
Setbacks	<ul style="list-style-type: none"> Allowed in side or rear yard, 60 ft. from the property line²² Min. 3 ft. setback to side or rear lot line²³ Corner side yard setback requirement²⁴ 	If <1,000 sq. ft.: <ul style="list-style-type: none"> Not less than 50% width of required yard²⁵ Min. 3 ft. setback to rear lot line²⁶ 	If ≥1,000 sq. ft.: <ul style="list-style-type: none"> Same setback as principal building²⁷ <ul style="list-style-type: none"> Allowed in the side or rear yard, 60 ft. from the property line Min. 3 ft. setback to side or rear lot line Corner side yard setback requirement
Quantity	No more than 1 accessory building within side yard ²⁸	N/A	No more than 1 accessory building or structure within side yard
Height	Max. 13 ft. ²⁹	N/A	Max. 13 ft.
Coverage	40% max. rear yard coverage ³⁰	N/A	40% max. rear yard coverage

There are numerous issues with the current application of the accessory buildings, structures, and uses provisions in OMNCD. The current organization is cumbersome and difficult to navigate. Side and rear yard setback requirements for accessory buildings,

²² Jefferson Parish Code of Ordinances. Sec. 33-5.3.2, Sec. 40-743 (a) and (b)

²³ Ibid.

²⁴ Jefferson Parish Code of Ordinances. Sec. 33-5.3.2, Sec. 40-743 (c)

²⁵ Ibid. Sec. 40-129 (c) (1) and Sec. 40-149 (c)(1))

²⁶ Ibid. Sec. 33-5.3.2, Sec. 40-743 (c)

²⁷ Ibid. Sec. 40-129 (c) (2) and Sec. 40-149 (c)(2)

²⁸ Ibid. Sec. 33-5.3.2, Sec. 40-743 (e)

²⁹ Ibid. Sec. 33-5.3.2, Sec. 40-743 (d)

³⁰ Ibid. Sec. 33-5.3.2, Sec. 40-743 (e)

structures, and uses are located in multiple sections in the Code. Provisions for accessory buildings and structures in the R-1C and R-1D are conflicting with the general exceptions and not clear.

To simplify setback standards, the general setback requirements in Chapter 33, Article 5. Supplemental Conditions and Chapter 40, Article XXXIX. Exceptions and Modifications should apply throughout the OMNCD, regardless of the underlying zoning district. This approach will allow accessory buildings, structures, and uses to be located closer to the property line than permitted in the R-1C and R-1D. Provisions for accessory buildings and structures in the R-1C and R-1D are not needed because the 40% limit on rear yard coverage provided in Chapter 33, Article 5. Supplemental Conditions and Chapter 40, Article XXXIX. Exceptions and Modifications sufficiently limits the potential size of accessory buildings and structures. Maintaining the coverage and height restrictions will continue to help minimize impacts on adjacent properties, while allowing OMNCD residents to take advantage of their rear and side yards for the placement of accessory buildings and structures.

Related amendments to accessory buildings, structures, and uses

Significant changes to parish-wide requirements are outside of the scope of this study; but minor amendments can be made to clarify existing requirements for accessory buildings, structures, and uses.

There are multiple locations in the Code that address side and rear yard setback requirements for accessory buildings, structures, and uses.

Provisions for accessory buildings, structures, and uses on reverse corner lots need to be simplified and be more consistent with other regulations of the Code and coverage requirements consolidated. Duplicated provisions for accessory, buildings, and structures in Chapter 40 and private garages provided in Chapter 33 should be removed. Setback requirements for swimming pools are not currently addressed and should be specified.

Setbacks provisions for accessory buildings located on reverse corner lots are provided in Sec. 40-743 (c) and Sec. 33-5.3.2. (3) b. read as follows:

"Where a lot in the rear of the corner lot fronts on the side street, no part of any accessory buildings on the corner lot within twenty-five (25) feet of the common lot line shall project beyond the prolongation of the front yard line of the lot in the rear,

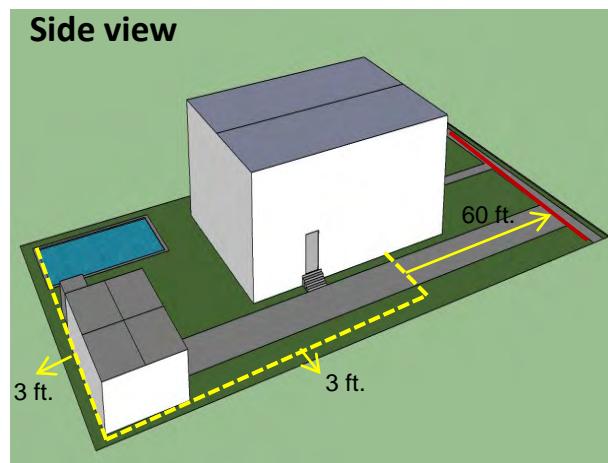
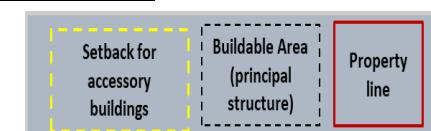


Figure 7. Proposed Setbacks for Accessory buildings, structures, and uses

provided, however, that the limitation shall not reduce the buildable length of an accessory building to less than twenty (20) feet."

These provisions were established³¹ before sight triangle requirements were added to the Code in 2008³² to maintain areas of clear visibility. Sight triangle provisions in Sec. 40-665 (e) (1) address similar visibility concerns as those provisions provided above. They also apply in the OMNCD, though not specifically stated in the OMNCD regulations. Replacing the provisions for reverse corner lots in Sec. 33-5.3.2. (3) b. with a reference to the applicable sight triangle provisions will help simply and clarify applicable sight triangle requirements.

Setbacks for swimming pools are not specifically addressed in the Code. In practice, certain setbacks have been applied to accommodate swimming pools. Based on meetings with ICE, swimming pools may be located in the side or rear yard, as close as three feet from the rear or side property line and no less than 60 feet from the front property line (Figure 8).

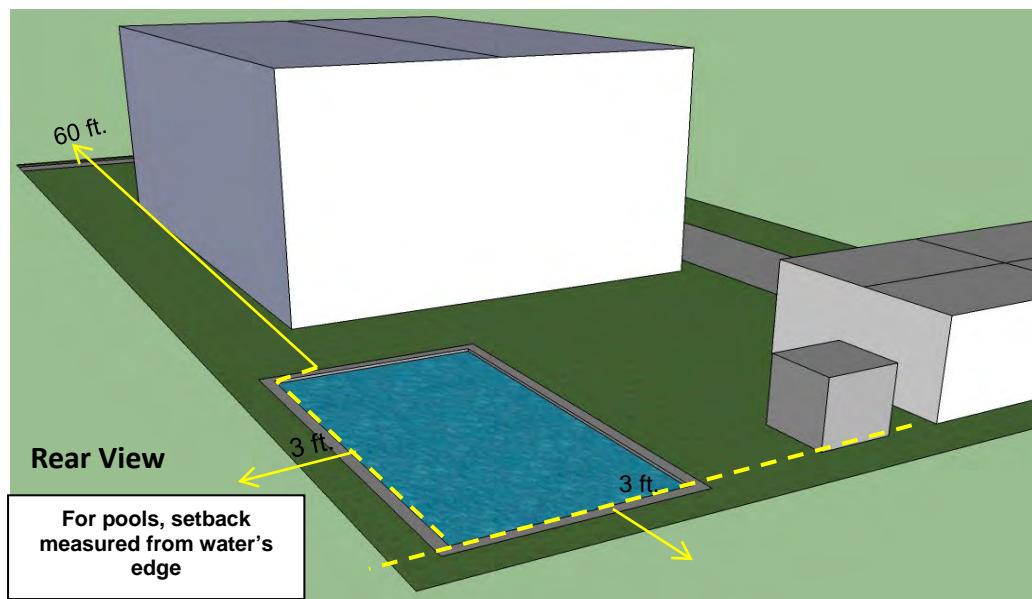


Figure 8. Existing setback requirements for swimming pools

The following requirements applicable to accessory buildings and structures do not apply to swimming pools:

- Maximum 40% coverage of the rear yard;
- 13 feet height maximum; and
- Restrictions on corner lots.

Existing practice should be maintained, but provisions applicable to swimming pools should be clarified in Sec. 33-5.3.2.

³¹ Jefferson Parish Ordinance No. 3813. Jefferson Parish Code of Ordinances (original). Adopted August 8, 1958.

³² Jefferson Parish Planning Department (2008) Docket TXT-4-08: Zoning Report, Sight Triangles. Ordinance No. 23330.

Over the last few months there have been several Old Metairie cases involved with attached accessory structures. Currently, it is implied in the Code that an attached accessory structure is considered a part of a principal building for setback purposes, with exception to certain existing dwellings. Within the private garage provisions in the Code, it is stated that the exceptions for private garages supersede any conflicting regulations applicable to accessory structures. Thus, the proposed amendment should not impact attached private garages.

To clarify these provisions, it should be stated in the Code that an attached accessory building is considered a part of the principal structure for setback purposes, and therefore shall meet the area requirements of the underlying zoning district, except in cases where the following is applicable:

- Existing residential dwellings which have at least a 3 ft. side yard setback may be permitted to maintain such setback on addition, provided other setbacks are met.

Provisions for private garages are duplicated in two sections in Chapter 33, Sec. 33-5.3.2. *Accessory buildings, structures, and uses*, and Sec. 33-6.8.2.1. *Private garages*. To reduce redundancy, one set of provisions should be removed.

In Chapter 40, private garage provisions are grouped with provisions for accessory buildings and structures. Sec. 33-6.8.2.1. Private garages, is only one of a three subsections of provisions currently listed under Building Design for one-, two-, three-, and four-family dwellings. The others include general provisions related to exterior wall materials and manufactured homes. For consistency purposes it makes the most sense that the provisions for private garages in Sec. 33-6.8.2.1. should be removed.

Dimensional standards

Dimensional standards are spread out throughout Sec. 40-172 Design guidelines. Existing provisions include height exceptions for raised dwellings, lot orientation, setbacks, and mass requirements.

Lot orientation

The preservation of consistent lot orientation along corridors within the OMNCD supports the purpose of retaining neighborhood character and uniform streetscape.

Façade orientation requirements originated in 1992 when the district was established. As part of the original regulations, the principal façade of a new or reconstructed structure was required to face the same direction as adjacent structures unless the applicant could prove for design purposes otherwise. These provisions were amended in 2012, with the following changes:

- Removed reference to good design;
- Replaced consistency with adjacent structure with prior development on the site;
- Clarified that lot orientation requirements pertain specifically to corner lots; and

- Required BZA variance for exception to regulation.³³

In the OMNCD, corner lots must retain the front lot line established by prior development. This standard is different elsewhere in the parish, where the front for setback purposes is the lot frontage with the shortest distance.³⁴ Prior lot orientation can be difficult to determine if a lot has been undeveloped for an extended period of time or does not have a previous development plan on file with the Planning Department.

The OMNCD is characterized by long narrow blocks, with most of the homes fronting on north/southbound streets. Designating the front yard as the frontage that abuts the block will help maintain a consistent setback of residential properties along these corridors. The neighborhood's short east/westbound streets should function primarily as side streets, with the exception of Northline (Figure 9).

The Northline corridor serves as an entryway into the OMNCD neighborhood and is a wider boulevard than any other intersecting street in the area. The Northline tree canopy is recognized as forming the "...dramatic gateway into the heart of the OMNCD" that "...distinguishes architecture of surrounding residential development."³⁵

Requiring the front yards of properties be oriented toward Northline St. will help preserve a consistent streetscape along this street.

The Planning Department conducted an analysis of developed corner lot setbacks throughout the OMNCD. There are 131 corner lot

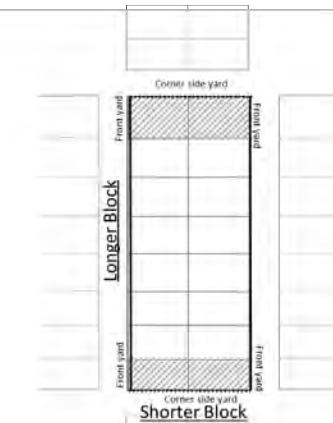


Figure 9. Illustration of Proposed Lot Orientation Requirements in the



Figure 10. Lot setback analysis: proposed orientation requirements

³³ Jefferson Parish Planning Department (2012). Text Study. Docket TXT-5-11: OMNCD Housekeeping Study. Ordinance No. 24169.

³⁴ Jefferson Parish Code of Ordinances. Sec. 33-6.6.1.

³⁵ Jefferson Parish Code of Ordinances. Sec. 40-172 Design Guidelines (2) Neighborhood Elements.

development sites located within the district. As of March 11, 2021, most of the corner lot development sites, approximately 103 (78%), comply with the proposed lot orientation requirements of being oriented toward the longer street segment or Northline Street. Five corner lot development sites are currently vacant. Approximately 23(18%) of the developed corner lot development sites would not comply with the proposed requirements (Figure 10).

Currently, general descriptions of yards are provided in Sec. 40-3 *Definitions*. Based on definitions included in this section, the corner side yard does not extend to the rear lot line (Figure 11). The Code also does not specify how to recognize other sides in relation to the designated front yard.

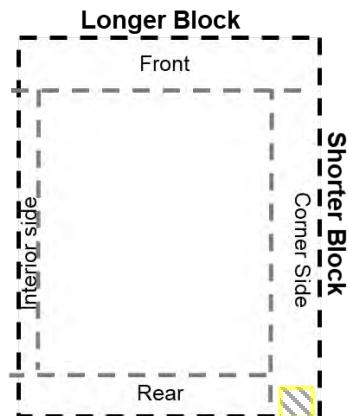
A different approach to handling corner yard sides is necessary in the OMNCD. Extending the corner side yard to include the corner typically considered part of the rear yard in the OMNCD will support a consistent streetscape throughout the neighborhood and facilitate new regulations related to the corner side yard (Figure 11).

Setbacks

Setbacks, in general, are determined by the underlying zoning district. In the OMNCD, the following additional setback requirements also apply:

- General uniform setback of structures within linear distance of 500 feet; and
- Additions must be set back from the front face of the structure.

Proposed Yards (OMNCD)



Elsewhere in the Parish

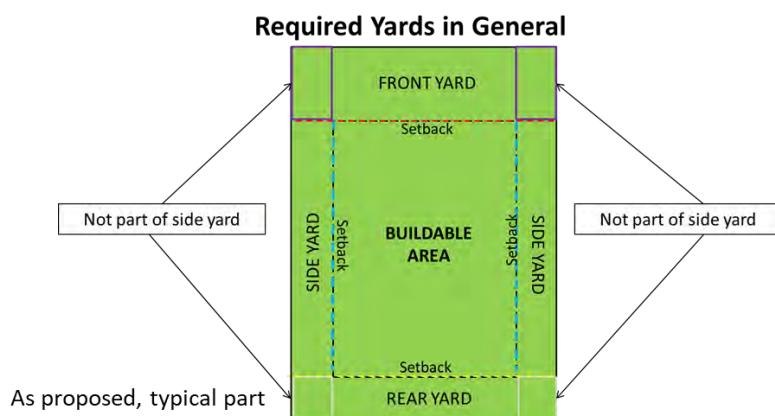


Figure 11. Proposed designation of corner lot yards in the OMNCD versus elsewhere in the parish

Average front yard

The OMNCD requires a general uniform setback of a linear distance of 500 feet, but also

states that setbacks are determined by the underlying zoning district. In some instances, these provisions are conflicting. The R-1A, B, C, D, and R-2 districts allow a front yard setback less than the minimum required, provided the proposed development meets the average front yard of the existing development within a specific linear distance and other parameters. The linear distance and parameters used for calculating the average front yard vary by base zoning district (Table 6). It is not specified in the OMNCD regulations whether the setback exceptions of the underlying zoning districts also apply in the OMNCD.

Table 6. Exception to Front Yard Setbacks (Underlying Zoning Districts)

Districts	Front yard min. feet	Exception	Determining Average Front Yard	
			Linear Distance	Other Parameters
R-1A	20	Up to 10 ft. where average depth of existing front yards < 20 ft.	Within 100 ft.	Either side of lot
R-1B	25	Match average front yard of existing development	Within 300 ft.	On both sides of development within same zoning district
R-1C	30			
R-1D	35			
R-2, R-3, R-1CO	20	Up to 10 ft. where average depth of existing front yards < 20 ft.	Within 100 ft.	Either side of lot; within the same block & zoning district; fronting on same street

The following proposed changes aim to simplify and standardize how to handle average front yard setbacks in the OMNCD:

- Remove language specifying a “generally uniform setback of structures” within 500 feet; and
- Create uniform standard for average front yards in the OMNCD:
 - Allow front yard setbacks to be equal average of existing front yards:
 - Within same zoning district and block;
 - On both sides of subject property and street (Figure 12).



Subject Property w/ R-1B zoning Surrounding properties w/ R-1B zoning

Limiting the evaluation of existing front yards to the same block and zoning district aims to simplify how exceptions to front yard setbacks are handled in the OMNCD. This approach is appropriate because:

- The north/south streets and east/west streets have consistent block lengths throughout the district (Figure 13); and
- Required setbacks vary by zoning district.

Figure 12. Parameters for proposed average front yard setback requirements

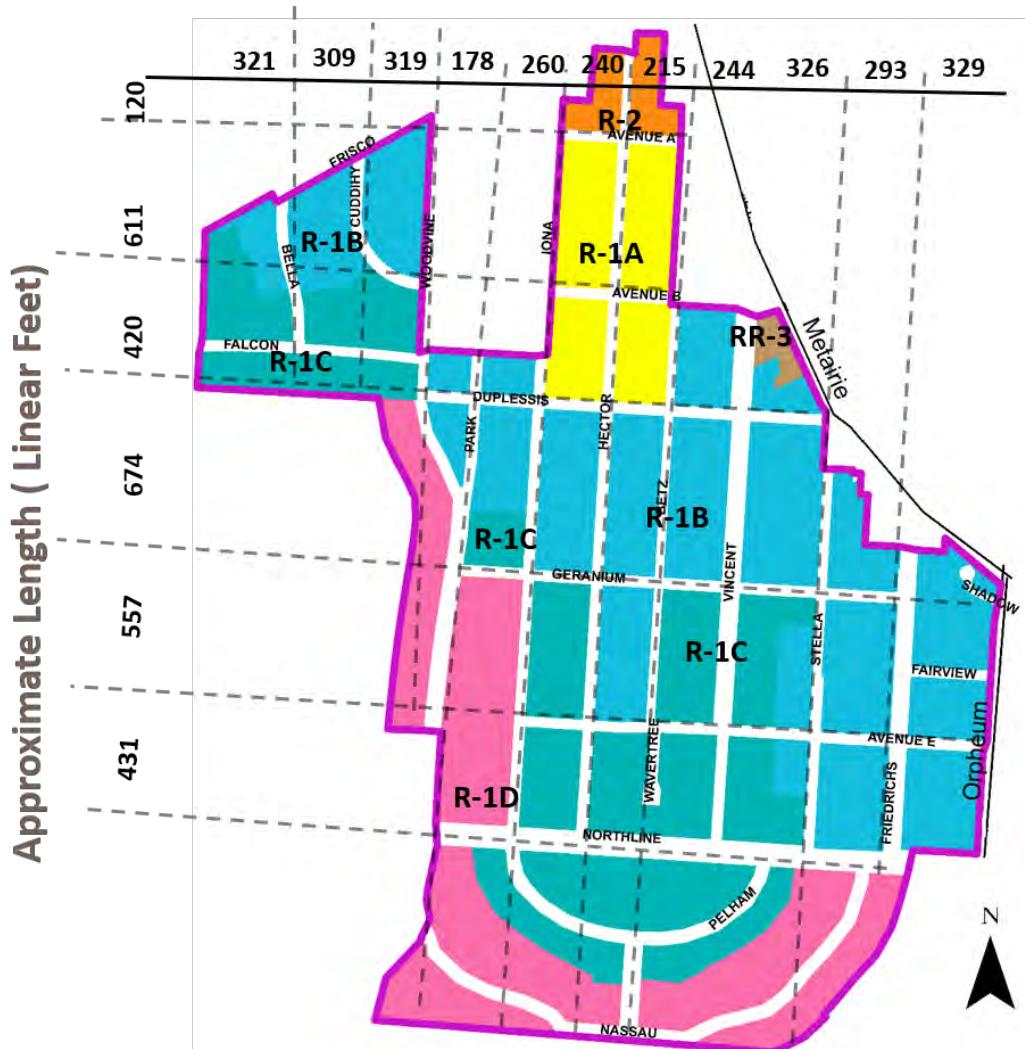


Figure 13. Approximate OMNCD Block Sizes

The R-1A, R-1B, R-1C, R-1D, R-2, B-1 Batture, OBM-1 Mixed-use Residential District, S-1 Suburban, R-1MH Manufactured Home, R-3 Multiple-Family Residential, R-1CO Condominium, and the U-1S Unrestricted Suburban base zoning districts and general lot standards in Chapter 33 allow the front yard for a proposed development to be less than the minimum, provided additional criteria are met. Like the OMNCD, these zoning district lack specific procedures for handling front yard exceptions. It is also unclear who is responsible, the property owner/applicant or the Parish, for determining the average front yard.

Consistent procedures for determining average front yard setback exceptions should be applied parish-wide and should specify that the burden be on the property owner or the applicant to conduct and provide necessary research for a proposed exception.

Additions to principal buildings

The OMNCD requires additions to existing structures to be set back from the front face

of the structure.³⁶ The current standard is problematic because there is no minimum setback specified and it unnecessarily restricts additions to the front face of the existing principal structure instead of the front yard building setback. Removing this vague standard will allow a potential addition to the front of a house as long as the front yard setback is met (Table 7).

Projections

There is a conflict between the OMNCD and parish-wide regulations for projections. The OMNCD regulations state that “Porches, decks, solid fences and other additions shall be located so as not to intrude into the front yard or open character of the streetscape between structures and the street.” The parish-wide standard provided in Sec. 40-741 *Projections into open areas allows:*

- Unenclosed porches, terraces, or steps to extend up to 10 ft. into the front yard, 5 ft. from side lot line; with
- Ramps, steps, and similar projections into the required side yard for home elevation projects of one- and two-family dwellings, including townhouses, provided additional criteria are met.³⁷

The Department of ICE has been applying the parish-wide exception in Sec. 40-741 in the OMNCD. To increase consistency with parish-wide requirements and reflect what is being applied in practice, a reference to Sec. 40-741 should replace the existing requirements.

Sec. 40-172(1) b. includes height allowance provisions for raised dwellings. These provisions were added in 2007 to the Code to promote flood protection in the aftermath Hurricane Katrina, encourage home elevation projects, and address “loss of livable space” associated with 35 ft. height maximum.³⁸ Current OMNCD regulations allow homeowners to add a “height allowance” or “height exception” equal to the difference between floor elevation measurement and base flood elevation (BFE) or 18 inches above the crown of the street, whichever is higher.³⁹

In 2014, parish-wide height exception provisions were added to the Code to encourage home elevation projects and reduce potential flood damage throughout Jefferson Parish.⁴⁰ The height exception provisions provided in Sec. 40-737:

- Limit height exception to the elevation of existing dwellings;
- Limit height exception to the minimum amount of additional height necessary to mitigate future flood damage; and
- Require height exception to be determined by the floodplain manager and subject to Chapter 14 Flood Damage Prevention Ordinance requirements.

The current regulations for the height allowance for raised dwellings in the OMNCD are inconsistent with the application of height regulations elsewhere in the parish and are

³⁶ Ibid. Sec. 40-172. (1) a. 1.

³⁷ Jefferson Parish Code of Ordinances. Sec. 40-738.

³⁸ Jefferson Parish Planning Department (2007). Docket TXT-5-07: Text Study, OMNCD Fill Study. Ordinance No. 23201.

³⁹ Jefferson Parish Code of Ordinances. Sec. 40-172(1)b.1.ii.

⁴⁰ Jefferson Parish Planning Department (2014). Text Study. Docket TXT-6-14: Raised Dwellings. Ordinance No. 24860.

unnecessarily permissive for new construction. Whereas, the OMNCD height allowance applies to existing dwellings and new construction, the height exception applied elsewhere in the parish only applies to the elevation of existing homes.

The parish-wide regulations also reference Chapter 14 Flood Damage Prevention Ordinance, while the OMNCD regulations do not. Removing the existing OMNCD height allowance for raised buildings and applying the parish-wide height exception for home elevation projects will increase consistency, but eliminate the existing height exception for new construction in the OMNCD.

Within the general height exception provisions in Sec. 40-737 (5), there is a reference to advisory base flood elevation (ABFE) maps from 2006. The reference to the 2006 ABFE is no longer necessary since the Federal Emergency Management Agency (FEMA) has updated the Louisiana Flood Insurance Maps (FIRMs), with the most recent update in 2018.^{41,42}

Raised accessory buildings

For non-raised accessory buildings, the setbacks follow the underlying zoning district. Raised accessory buildings do as well, but are required to meet additional setback requirements in the OMNCD. They are not allowed closer than five feet from any side or rear lot line and are required to have minimum rear yard depth equal to 50% of the depth of the required rear yard.⁴³ Accessory buildings located in the required rear or side yards, raised or non-raised, are limited to 13 feet in height.⁴⁴

Raised accessory buildings have no greater impact on abutting properties than non-raised accessory buildings if they are both limited to 13 feet in height. The additional setback requirement for raised accessory buildings should be removed since raised and non-raised buildings must meet the same height requirement (Table 7).

Lot coverage

Paving in the front yards has become a more prevalent issue in recent years. Excessive pavement in the front or corner side yard detracts from the streetscape and “garden feel” of the neighborhood. There are no paving restrictions for the OMNCD or underlying zoning districts.

Paving is restricted in the Old Bucktown Mixed-Use Residential District (OBM-1), where no more than 50% of the front yard shall consist of hard surface paving or other impervious surfaces.⁴⁵

Other local communities have set a maximum percentage for impervious surface in the front yard and corner side yard. New Orleans limits the amount of

⁴¹ Jefferson Parish Code of Ordinances. Sec. 14-3.1. and 14-3.2.2.

⁴² FEMA. Flood Map Service Center. “Jefferson Parish: 225199”. <https://msc.fema.gov/portal/availabilitySearch?addcommunity=225199>

⁴³ Ibid. Sec. 40-172. (1) c.

⁴⁴ Ibid. Sec. 40-743. (d).

⁴⁵ Ibid. Sec. 33-3.51.4.(b)

impervious surface in its historic urban neighborhood districts setting a maximum of 40%⁴⁶ for both the front and corner side yard, and a maximum of 30% in the Garden District Historic District.⁴⁷ Kenner, LA also limits the amount of impervious pavement allowed in the front and corner side yard to 40% of each yard.⁴⁸

Similar requirements are appropriate in the OMNCD since the front and corner side yard are visible from the public right-of-way and paving in these areas has an impact on the streetscape. Restricting the amount of impervious paving or other impervious surfaces in the front and corner side yard to 40% of each yard will help promote the use of greenspace (Table 7). These restrictions will also help achieve more comprehensive tree preservation, limit the aesthetic impact of extensive pavement in the front yard of properties, and help enhance stormwater management in the area. These proposed limitations are new requirements.

The addition of a new paving requirement does not resolve the fact that there is no permit required for paving. With the lack of this necessary enforcement mechanism, proposed standards may be difficult to enforce. On December 7, 2016, the Jefferson Parish Council called a study on integrated stormwater management (Resolution No. 128317). Additional research should be conducted on total lot coverage restrictions and a potential paving permit as part of this ongoing study.

Though we have some lot coverage related provisions currently in the Code, lot coverage is not defined. To clarify proposed lot coverage provisions, Planning recommends adding the following definition to the Code:

Lot, coverage, shall mean the percent of the total lot or portion of a lot covered by buildings and impervious surfaces, such as houses, sheds, gazebos, other types of structures, driveways, parking lots, and covered patios.

Table 7. Summary of Existing and Proposed Dimensional Standards

Category	Existing	Proposed
Elevation of dwellings	<ul style="list-style-type: none"> Existing and new construction allowed to exceed 35 ft. height maximum if specific criteria are met 	<ul style="list-style-type: none"> Remove OMNCD height allowance and apply parish-wide standard provided in Sec. 40-737

⁴⁶ New Orleans (Louisiana), The City of. *New Orleans Comprehensive Zoning Ordinance*. <https://czo.nola.gov/article-11/>

⁴⁷ Ibid.

⁴⁸ "Pavement includes the placement of impermeable material on the surface of land such as brick, stone, asphalt, or concrete." Kenner (Louisiana), The City of. Unified Development Code. https://library.municode.com/la/kenner/codes/code_of_ordinances?nodeId=APXAUNDECO_ARTVIOREPALORE_S7.12PAFRYA

Table 7. Summary of Existing and Proposed Dimensional Standards

Category	Existing	Proposed
Lot orientation	<ul style="list-style-type: none"> Must maintain orientation of previous development 	<ul style="list-style-type: none"> Orientation = longer block, except for Northline fronting properties where orientation = Northline
Setbacks	General	<ul style="list-style-type: none"> Setbacks determined by the underlying zoning district
	Average front yard	<ul style="list-style-type: none"> Maintain uniform setback of 500 ft. Setback allowed to meet average of existing front yards in R-1 districts and R-2 based on varying linear measurements and other parameters
	Projections	<ul style="list-style-type: none"> Porches, decks, fences and other additions not allowed to intrude into front yard
	Additions to principal buildings	<ul style="list-style-type: none"> Must be setback from the front face of principal building
	Raised accessory buildings	<ul style="list-style-type: none"> Same setbacks as other accessory buildings plus not allowed 5 ft. from side or rear lot line and have min. depth of 50% required rear yard
Lot coverage	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Limit impervious paving and other impervious surfaces in the front and corner side yard to 40% Add definition
Mass	<ul style="list-style-type: none"> No part of proposed structure may penetrate façade or side yard massing angles, except for incidental projections; side-yard massing angle measurements for R-1 districts. 	<ul style="list-style-type: none"> Maintain existing plus add threshold for incidental dormers Add side-yard massing requirements for the R-2 and RR-3 zoning districts

Development standards

Development standards in the OMNCD include building design, fences, fill, tree preservation, circular drives, and public infrastructure improvement projects.

Building Design

The current OMNCD building design guidelines:

- Promote use of traditional regional architectural style and includes a reference to the *Louisiana Speaks: Pattern Book*;
- Require new construction to contribute to the character of the OMNCD and does not need to imitate historic structures;
- Require proportion of a structure to be compatible with properties within 300 feet;
- Require consistency in materials and design and additional specifications and restrictions are in place for certain materials;
- Apply compatibility and consistency-related design criteria to additions, porches, decks, garages, and carports;
- Include height, setback and location requirements for roof features and equipment; and
- Include additional design standards and landscaping requirements for raised dwellings.

Purpose

In May 2007, the Louisiana Recovery Authority published the *Louisiana Speaks: Pattern Book* to help guide redevelopment after Hurricanes Katrina and Rita. The *Pattern Book* is a guide for building housing and neighborhoods and promotes use of traditional regional architecture.⁴⁹

In December 2007, an amendment was made to the OMNCD regulations to encourage property owners to use the *Pattern Book* as a resource and supplement to the design guidelines.⁵⁰ The *Pattern Book* was intended to be used by the OMC as a guide and basis for recommendations.

There are several issues with the existing reference to the *Pattern Book*. Some homes within the OMNCD do not exhibit the traditional regional architecture referenced in the style guide.⁵¹ There is no mechanism within the OMNCD to dictate the use of traditional regional architectural style. The Planning Department does not have a licensed architect on staff to review and comment on architectural style of proposed developments. Though available, the style guide has not been used as intended.

Since the reference style guide was added, other amendments to the Code have been made to address form and scale. To address mass of residential development in the OMNCD, façade massing angle requirements were added in 2011 and side-yard massing angle requirements in 2014.^{52,53}

⁴⁹ *Louisiana Speaks: Pattern Book*. Urban Design Associates. Fannie Mae Foundation, 2007.

⁵⁰ Ibid.

⁵¹ Jefferson Parish Planning Department (1991) Docket E-18-91: Zoning Report, Old Metairie Neighborhood Conservation District. Ordinance No. 18457.

⁵² Jefferson Parish Planning Department (2012) Docket TXT-5-11: OMNCD Housekeeping Study. Ordinance No. 24169.

⁵³ Jefferson Parish Planning Department (2014) Docket TXT-5-13: OMNCD Side-Yard Massing Angle Study. Ordinance No.24640.

Replacing the existing reference to the *Louisiana Speaks: Pattern Book* with a purpose statement that protects the neighborhood character, but also supports a variety of architectural styles, aims to address the issues with the style guide.

Architectural principles

As stated above, the current OMNCD regulations encourage a variety of styles and allow one to design or build in any style in the district.⁵⁴ The proposed architectural principles support the proposed design standards related to proportions and compatibility and reflect a shift from dictating style to promoting quality design and form (Table 8).

Compatibility with existing and neighboring structures should be addressed. To be consistent with provisions for average front yard setbacks in the OMNCD, compatibility of neighboring structures should be evaluated by the block instead of the linear measurement of 300 feet currently stated in the Code (Table 8).

Openings and entrances

One issue that has arisen is proposals for “compounds”, where dwellings on a separate lot functioned as an “accessory house” rather than a separate home. These compounds may disrupt existing building orientation pattern of the neighborhood. The “accessory house” may be devoid of doors or windows making it inconsistent with neighboring residential properties. Developments that do not incorporate these features on the building façade may disrupt the existing building orientation pattern of a neighborhood.

Figure 12 provides one example of this type of development. The example includes the main house on one lot of record and another much smaller single-family dwelling on an adjacent lot together functioning as one development site. The smaller single-family dwelling has shutters but no visible doors on the street-facing façade (Figure 14)⁵⁵. The Code does not address how the “accessory house” building should relate to the streetscape.

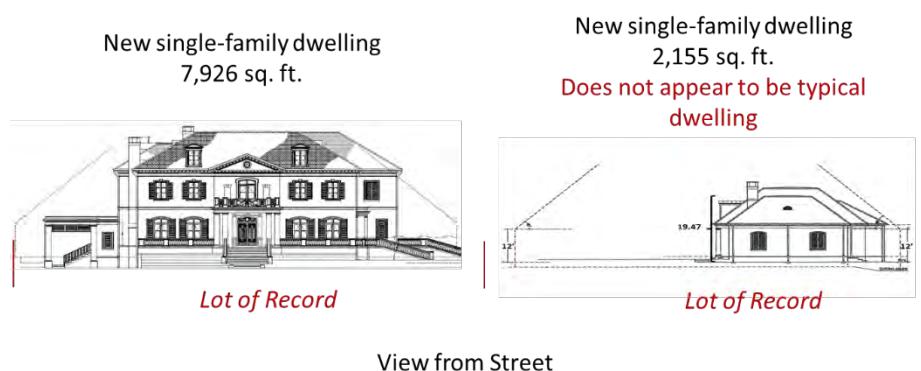


Figure 14. Example of this Type of Development

⁵⁴ Email. Jenisch, N. Tulane Regional Urban Design Center (TRUDC).

⁵⁵ OM-14-15; OM-15-15.

For residential development, the City of Orlando, Florida requires that at least 15% of the façade's area be comprised of windows.⁵⁶ Portland, Oregon requires a similar standard for most single-dwelling zones, requiring at least 15% of the area of each façade that faces a street lot line must be windows or main entrance doors.⁵⁷ Adding a similar requirement in the OMNCD will enhance the visual quality of all structures and allow "accessory buildings" to blend more with surrounding dwellings of the neighborhood.

In its Historic District Design Guidelines, the Historic District Commission (HDC) of Gretna, LA includes building orientation best practices.⁵⁸ One of the recommendations in the document is that new construction be oriented to reflect orientation of neighboring buildings, including front entrances.⁵⁹ The guidelines do not recommend locating a principal entrance on the side of a building when adjacent buildings have prominent front entrances.⁶⁰

The City of Baton Rouge, LA has building orientation requirements for residential development in urban areas, which includes small lot residential neighborhoods primarily developed prior to 1949.⁶¹ Buildings are required to have their primary entrance facing the primary street and should appear as a prominent architectural component, visible from the street.⁶² It should be required that the principal entrance or front entrance walkway be oriented toward the street to be consistent with adjacent properties and reflect best practices used by other communities.

The City of New Orleans, LA has general building design standards for the Historic Urban Neighborhoods Residential Districts that require:

- All buildings shall provide a clearly identifiable entry from the public sidewalk at the front (primary street) elevation; and

All buildings shall be oriented towards a public or private street in terms of architectural interest and building access.⁶³

Functionality

Functionality of features is not addressed, but could help improve design quality. Per conversations with architects from the TRUDC, functionality is one of the easiest ways to ensure higher quality materials and proper installation are utilized. Windows, shutters, or other architectural elements should be required to be functional or appear to be functional (Table 8).

Screening of rooftop mechanical equipment

⁵⁶Orlando (Florida), City of. *Southeast Orlando Sector Plan: Development Guidelines and Standards*. <http://www.cityoforlando.net/greenworks/wp-content/uploads/sites/27/2014/03/Building-Guidelines-Standards.pdf>

⁵⁷Portland (Oregon), The City of. Bureau of Development Services. Zoning Code. Chapter 33.110. Sec. 33.110.232. <https://www.portlandoregon.gov/bps/article/53295>

⁵⁸ Gretna (Louisiana), The City of. Historic District Design Guidelines. Historic District Commission. https://www.gretnala.com/wp-content/uploads/2017/10/1503007315_01128.pdf

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹East Baton Rouge Parish (Louisiana). *Unified Development Code*. <https://www.brla.gov/DocumentCenter/View/1526/Chapter-10---Supplementary-Uses-PDF>

⁶² Ibid.

⁶³ New Orleans (Louisiana), The City of. *New Orleans Comprehensive Zoning Ordinance*. <https://czo.nola.gov/article-11/>. Sec. 11.3.B

Screening of roof top equipment in the OMNCD is a new issue that should be addressed as part of this study. The OMNCD does not currently require screening of roof-top mechanical equipment. If visible from the street, roof-top mechanical equipment can stand out from the rest of the building and may impact adjacent property owners.

Freestanding and mounted mechanical equipment is required to be screened from view:

- From the front property line or side property line of a corner lot, if part of a commercial development in the Unrestricted Suburban (U-1S)⁶⁴; and
- From street right-of-way, when the general landscaping requirements provided in Chapter 33 apply.⁶⁵

The *21st Century Land Development Code* also addresses screening of mechanical equipment from view of the property line and provides additional criteria that must be met.⁶⁶

Planning is proposing to add the requirement that roof-mounted mechanical equipment be screened from view of the street right-of-way provided the proposed screening does not exceed the maximum building height. This proposed requirement is designed to address concerns regarding aesthetics and potential impacts of rooftop-mounted mechanical equipment on adjacent property owners, while also maintaining building height restrictions.

Table 8. Summary of Existing and Proposed Building Design Standards

Category	Existing	Proposed
Purpose	<ul style="list-style-type: none"> • Promotes use of traditional regional architectural style • Includes references to <i>Louisiana Speaks: Pattern Book</i> 	<ul style="list-style-type: none"> • Remove reference to <i>Pattern Book</i> • Maintain character of the neighborhood, but encourage a variety of architectural styles
Architectural principles	<ul style="list-style-type: none"> • New construction shall contribute to the character of the OMNCD and does not need to imitate historic structures 	<ul style="list-style-type: none"> • Restructure existing plus add general provisions for architectural proportions & compatibility
	<ul style="list-style-type: none"> • Proportion of a structure shall be compatible w/ properties within 300 feet • Compatibility review includes evaluation of roof lines, setbacks and location of structures 	<ul style="list-style-type: none"> • Height, mass, orientation, building placement, roof style and pitch, materials, and architectural style are part of compatibility review • Compatibility review should be based on same parameters as front yard exceptions in OMNCD
Openings	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • 15% of the street facing façade of

⁶⁴ Jefferson Parish Code of Ordinances. Sec.33-3.58.6.1.(2)

⁶⁵ Ibid. Sec. 33-6.25.5.

⁶⁶ Freilich, R, S. Mark White, and Katie Murray. *21st Century Land Development Code*. American Planning Association, 2008.

Table 8. Summary of Existing and Proposed Building Design Standards

Category	Existing	Proposed
		principal building = windows and doors
Functionality	• None	• Architectural elements shall be or appear to be functional
Entrances	• None	• Principal entrance from the front street elevation and front entrance walkway oriented toward the street
Screening of rooftop mechanical equipment	• None	• Require roof-mounted mechanical equipment to be screened from view from the street right-of-way provided proposed screening does not exceed max. building height.

Site Design

Fences

It is both a parish-wide and OMNCD standard that fences are not allowed in the front yard unless they are approved by the Board of Zoning Adjustments (BZA) and certain criteria are met. These provisions are stated in both the OMNCD Sec. 40-172 and Sec.40-743.5. *Regulations for fences*. Instead of duplicating the provision, additional requirements for the OMNCD can be incorporated into the general fence regulations in Sec. 40-743.5. Adding a reference in Sec.40-743.5 would clarify that OMNCD-specific standards as well as other fence regulations apply in the OMNCD.

With 131 corner lot development sites in the OMNCD, maintaining openness in the corner side yard encourages streetscape continuity throughout the neighborhood. The Code already requires that accessory buildings meet the corner side yard setbacks. Similarly, fences should not be permitted in the corner side yard to maintain the open feel and character throughout the neighborhood (Table 9).

Fill

Sec. 40-743 includes provisions for foundation design, general fill requirements, lot leveling and drainage provisions, landscaping fill, driveway fill, and a unique variance process. Detailed fill regulations were added to the OMNCD in 2007 to deter the use of excess fill to meet new base flood elevation (BFE) requirements and address neighborhood drainage concerns after Hurricane Katrina not previously addressed in the OMNCD section of the Code.⁶⁷ Detailed fill provisions are unique to the OMNCD and are not applied elsewhere in the parish. They are unnecessarily complex and difficult to administer. As of June 13, 2018, only four cases have involved fill.

No fill is allowed to be applied within the root protection zone (RPZ) of significant trees in the OMNCD. This standard is slightly different from the parish-wide requirement that does

⁶⁷ Jefferson Parish Planning Department (2007). Docket TXT-5-07: Text Study, OMNCD Fill Study. Ordinance No. 23201.

not allow fill within the RPZ unless a tree protection plan is required and restricts the use of soil to no greater than two inches, other than wood chips or mulch, within the RPZ of protected trees.⁶⁸ The current OMNCD-specific standard should be omitted and parish-wide requirement applied because the parish-wide adequately regulates fill within the RPZ zone and is applied to the Metairie Ridge Tree Preservation District (M RTPD) and other zoning districts.

There are general provisions elsewhere in the Code that address fill and related matters. Chapter 8, Buildings and Building Regulations, addresses fill in the provisions for lot grade and foundations, which can be verified during permit review.^{69,70} Lot grade regulations related to fill include but are not limited to, the following:

- Required arrangements for mitigating run off;⁷¹
- Parking space elevation standards;⁷² and
- Retaining wall specifications.⁷³

To continue to help reduce the use of fill in the OMNCD and avoid duplicate or potentially conflicting information in different chapters of the Code, only the minimum fill necessary to meet the Chapter 8 Building and Building Regulations requirements should be allowed. The minimum amount of fill necessary can be verified through required elevation plans for residential building permits or on-site inspections.

Greenspace

Metairie Ridge Tree Preservation District (M RTPD) requirements apply in the OMNCD with the following exceptions:

- Tree preservation, that is part of OMNCD development, follows standard OMNCD procedures;
- Uncontested tree removal area (M RTPD) does not apply;
- Appeals for tree removal only are subject to OMC review prior to BZA hearing; and
- Payments paid in lieu of replacement are allocated for tree planting on public property in OMNCD.

Uncontested tree removal

In the M RTPD, any tree, even if protected, with 50% of its base within the uncontested tree removal area, may be removed. The uncontested tree removal area consists of the buildable area and the required side yard setbacks (Figure 13).

⁶⁸ Jefferson Parish Code of Ordinances. Sec. 33-6.27.6.

⁶⁹ Ibid. Sec. 8-2-111.

⁷⁰ Ibid. Sec. 8-4-123.

⁷¹ Ibid. Sec. 8-2-111.1.

⁷² Ibid.

⁷³ Ibid.

The property owner must still apply for tree removal and be approved for such removal by the Parish. This standard allows the Parish to verify that the proposed tree removal is in fact within the uncontested area. This area does not apply in the OMNCD.

This current restriction for tree removal within the buildable area can be potentially burdensome to a property owner or applicant. Challenges in obtaining home insurance and the potential threat to safety and structure are some concerns addressed in previous cases where property owners petitioned to remove a healthy tree from the buildable area.⁷⁴

The minimum area for tree maintenance and planting is five feet. This distance is referenced throughout the general landscaping requirements provided in Sec. 33-6.25. *Landscaping, buffering and screening*. Five hundred eighty-six (586) of the 700 lots (84%) in the OMNCD have to meet side yard setback requirements that are exceed five feet, and thus large enough to maintain and protect a tree during construction.⁷⁵

The Planning Department is working on a concurrent tree preservation study (Resolution 136707). As part of that study, there is an interim standard in place that allows tree removal within the buildable area, but not the side yard in the OMNCD. Although the Planning Department previously recommended allowing tree removal within the buildable area, the Planning Department is proposing to maintain the existing Code requirements. The Planning Department is considering to propose allowing tree removal within the buildable area with possible replacement criteria as part of Tree Preservation Study. The interim standard mentioned above is still in effect.

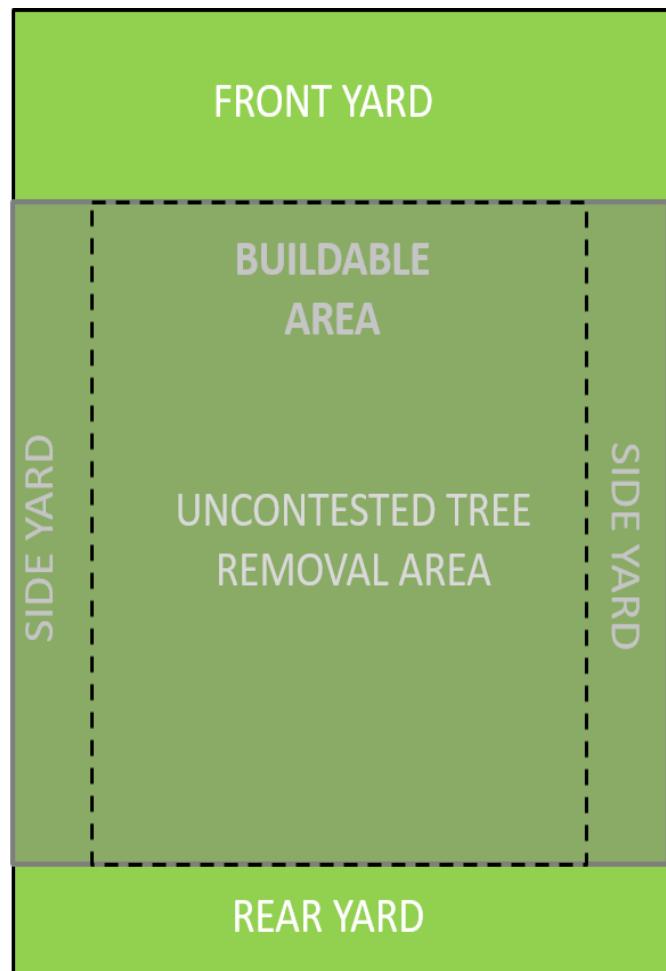


Figure 15. Illustration of Uncontested Tree Removal

⁷⁴Examples of cases include OM-2-14 Radford residence and OM-30-15 Ford Tree Removal.

⁷⁵ Side yard setbacks for R-1B is 7 feet for interior side yards and 10 feet for corner side yards; R-1C is 10 feet; and R-1D is 15 feet.

Appeals of “Tree Removal Only” denial

If a request for tree removal only is denied by the ICE Director, then the proposal is processed by the Planning Department and reviewed by the OMC. The OMC makes a recommendation on the appeal prior to the BZA hearing. The required OMC review for this unique type of proposal lengthens the review process and adds additional cost for the applicant. The OMC does not have tree expertise to evaluate proposed tree removal from a technical standpoint. Removing the required OMC review and hearing would shorten and simplify the processing of these types of cases. Property owners will still be notified of an appeal as part of the BZA notification procedures and will still have the opportunity to voice any concerns regarding an appeal for proposed tree removal at a scheduled BZA public hearing.

Required Green Area

Although, there are detailed tree preservation requirements that apply in the OMNCD, designated green areas are not required. Green areas can include living planted materials, including grass, live groundcover, shrubs, plants, or trees. Both Kenner and New Orleans have broad greenspace requirements that can be applied in the OMNCD.

Kenner requires that a green area of living planted materials shall be provided between the public right-of-way and structure or paved area.⁷⁶ In certain residential districts in New Orleans, 30% permeable open space is required. The definition for *open space* specifies that when located at the ground level, required open space shall be substantially covered with grass, live groundcover, shrubs, and plants, trees, or usable outdoor hardscape features or amenities, such as seating areas patios or pools.⁷⁷

Requiring that 20% of the required front or corner side yard consist of a green area comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees, shall be provided between the property line and the dwelling or paved area(s) is consistent with other local communities, addresses concerns over excessive paving, and will help preserve the garden feel of the neighborhood with some flexibility.

Related amendment

Tree preservation provisions related to swimming pools need to be clarified. Chapter 40, Zoning Article X.5 MRTPD, classifies construction activities that require tree preservation into two categories, minor and major construction. Depending on the level of construction, there are different application and tree preservation requirements that apply. The current definition of *major construction* includes swimming pools and spas broadly, and does not specify “new” swimming pools and spas.

It is unclear that any alteration to an existing swimming pool is a type of minor construction activity that would require tree protection. There is no reference to an alteration or addition to an existing swimming pool or spa in the definition of *minor construction*. Adding alteration or addition to an existing swimming pool or spa to the list of construction

⁷⁶ Kenner (Louisiana), The City of Unified Development Code. https://library.municode.com/la/kenner/codes/code_of_ordinances?nodeId=APXAUNDECO_ARTVIOREPALORE_S7.12PAFRYA

⁷⁷ New Orleans (Louisiana), The City of. New Orleans Comprehensive Zoning Ordinance. <https://czo.nola.gov/article-26/>

activities in the definition of *minor construction* activity would address this issue.

Parking

Circular drives are not allowed in the required side yard or lots with frontage less than 70 feet in the OMNCD. This standard was included in the original OMNCD ordinance with no specific reasoning or justification in the report.⁷⁸ Reducing the amount of paving could be one reason for the establishment of the existing standard. Proposed lot coverage provisions for the front and corner side yard would reduce paving and circular drives.

Over the years, there have been several requests for exceptions to the location of circular drives. These requests are primarily associated with corner lots where a given site has access to multiple streets. Circular drives are addressed by general engineering specifications for driveways and there are no parish-wide restrictions on circular drives. Removing the current restrictions on circular drives would reduce the need for exceptions to existing standards and potentially reduce on-street parking throughout the neighborhood.

Public Infrastructure

Sec. 40-172(6) includes public infrastructure improvement standards that have been in place since 1992. As specified in this section, public infrastructure pertains to utilities and public works within public view of the OMNCD, including street lighting, utility poles, street paving, fire hydrants, tree planting, parkways, and sidewalks.

All materials for public utilities and public works shall conform to standard Parish specifications. OMC has authority to review major capital improvements for public infrastructure to ensure the character of the OMNCD is maintained, but is also consistent with health, safety, and welfare, and cost considerations. If the OMC makes recommendation to install alternate materials or employ alternate methods that results in increased cost, the OMC is required to bear the difference in expense. Any review of a public project may not exceed 30 days.

No criteria are in place for these types of projects. The OMC does not have an account or additional funds to cover costs of proposed supplemental material. Many public projects involve Parish contracts or agreements that fall outside of the jurisdiction of the OMC. To address these issues, the standards and OMC's authority to review these types of project should be removed (Table 9).

In the past, the OMC public hearing has served as a forum for providing information about upcoming projects in the OMNCD to the OMC and members of the public. Allowing the OMC public hearing to continue to function in this matter will help keep OMC members and OMNCD residents informed about major projects affecting their neighborhood.

⁷⁸ Jefferson Parish Planning Department (1991) Docket E-18-91: Zoning Report, Old Metairie Neighborhood Conservation District. Ordinance No. 18457.

Table 9. Summary of Existing and Proposed Development Standards

Category	Existing	Proposed
Building design	See Table 8	
Fences (general)	<ul style="list-style-type: none">Fences in front yard require a BZA variances provided criteria is met	<ul style="list-style-type: none">Incorporate general fencing provisions into Sec. 40-743.5Add restrictions on fences in the corner side yard for corner lotsMaintain existing temporary fencing provisions
Fill	<ul style="list-style-type: none">Provisions for foundation design, general fill, lot leveling and drainage, landscaping fill, driveway fill, and variance process	<ul style="list-style-type: none">Move provisions related to raised dwellings to applicable subsectionOnly permit fill necessary to meet Ch. 8 requirements
Tree preservation	<ul style="list-style-type: none">MRTPD applies w/ exceptions	Maintain existing, except: <ul style="list-style-type: none">No OMC review or hearing for tree removal only appealsClarify that alterations to an existing swimming pools are considered minor construction, but additions and new pools are considered major construction activities in the MRTPD regulations
Greenspace	None	<ul style="list-style-type: none">Require 20% of the front or corner side yard setback consist of a green area, comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees
Parking	<ul style="list-style-type: none">Circular drives are not permitted in required side yard or lots w/ frontage less than 70 ft.	<ul style="list-style-type: none">Remove
Public infrastructure	<ul style="list-style-type: none">Project must meet Parish specificationsOMC has the authority to review and make recommendations on projects	<ul style="list-style-type: none">Remove provisions and OMC authority to make recommendations on public infrastructure projects

Development review

In the OMNCD, certain construction activities and development require review and approval prior to issuance of a building permit. Levels of review vary depending on type and extent of development. Development activities either fall under the purview of the OMC, Planning Department Director, or the ICE Director. Most construction and renovations require review and recommendation by the OMC and approval by the Parish Council.

Sec. 40-170 (2) Duties and responsibilities establishes thresholds for site plan review for development activities in the OMNCD. The OMC, Planning Director, and the ICE Director each have the authority to review specific development proposals.

OMC

Development activities under the purview of the OMC require site plan review, an OMC public hearing and approval by Council. The OMC has the authority to review and make recommendations on the following development activities:

- Activities that requires a permit or involve lot grade adjustments (i.e. cutting or removing soil);
- Demolition of principal buildings;
- New construction or development;
- Additions and alterations exceeding threshold for Planning Director approval;
- Denied tree removal only applications;
- Front yard and temporary fences; and
- Elevation projects over 3 ft. in height.

Site plan review

Site plans are referenced throughout Sec. 40-171. in relation to specific application requirements, but there is no reference to the general procedures. Sec. 33-2.25. *Site plan* provides general procedures for uses and zoning districts in Chapter 33 that require site plan review by the Planning Department. Review of OMNCD development is a type of site plan review that can be covered by the general site plan procedures. Sec. 33-2.25. needs to be amended to include specific provisions related to the OMNCD.

Sec. 33-2.25. addresses three types of development approval: ministerial, ministerial/quasi-judicial, and legislative approval. There is a type of development approval that can occur in the OMNCD which is not addressed in Sec. 33-2.25. Some OMNCD proposals include variances that require a quasi-judicial/legislative approval process, which includes review and approval by the BZA, and final site plan approval by the Parish Council. This process should be maintained. Development approval provisions throughout Sec. 33-2.25. need to be updated to include this type of development approval process.

General review criteria

Currently, there is no clear criteria for evaluating site plan proposals in the OMNCD.

Planning recommends adding the following criteria for the Planning Director, OMC, BZA, and the Council as a basis to make recommendations or decisions.

The Planning Director and OMC shall evaluate proposals on the of their conformance to the standards of this section and other applicable requirements of this Code. In determining its recommendation. The Planning Director and OMC shall consider whether the proposed development (s):

- Supports the purpose of the OMNCD district and is consistent with the Comprehensive Plan;
- Compatible and, in general, conforms with the proportions and mass of surrounding structures, including properties located on the same block, on both sides of the street and subject property, and excluding those properties located in a different zoning district.
- Will benefit the public health, safety and general welfare.

Demolition Review Process

The demolition of principal structures is currently under the purview of the OMC. Minor demolition of a principal structure, up to 25%, is under the purview of the Planning Director, and demolition of accessory structures and fences are under the purview of the ICE Director.

Some conservation districts in the US are tied to nationally recognized districts or neighborhoods and preservation experts are often involved in the review process.

Some communities have incorporated elements of the National Register of Historic Places Criteria for Evaluation into demolition review. The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. To be eligible to be placed on the list, a property must meet the National Register of Historic Places Criteria for Evaluation, related to the property's significance, age and integrity.⁷⁹

A property may be considered significant if it is associated with an event that has contributed to broad patterns of history, is associated with lives of significant people; embodies the distinctive characteristics of type of period, construction, or work of master, or that possess high artistic values; or has yielded or likely to yield information important to history or prehistory. The National Park Service (NPS) considers whether or not a structure looks as it did in the past and uses a 50-year threshold for considering a building as historic.⁸⁰

The Parish has no way to determine the 50-year threshold, however the Parish has an electronic and hard copy of the 1966 Sanborn Maps of East Bank of Jefferson Parish. The City of New Orleans requires Council approval for demolitions located in National Register Historic Districts; however, provides an exception for structures not shown on the 1983 Sanborn maps due to similar constraints. .⁸¹

⁷⁹ National Park Service. National Register of Historic Places Brochure. [National Register of Historic Places Brochure \(nps.gov\)](http://www.nps.gov)

⁸⁰ Ibid.

⁸¹New Orleans (Louisiana), The City of Municode.

The OMNCD is not a historic district and there is no mechanism for designating properties as historic. There have been no recommendations of denial by the OMC over the last few years and only two of the 172 demolition cases, approximately 1%, have been denied since 1992. OMC review of demolition potentially lengthens the review process and cost for the applicant.

Transferring demolition of a principal structure from the purview of the OMC to the Planning Director for structures not shown on the 1966 Sanborn Maps is an appropriate approach that will help reduce cost and time for applicants. However, more extensive review of the proposed demolition of a principal structure is necessary for structures of a certain age or potential significance.⁸² Requiring OMC review if proposed demolition involves a structure that shown on the 1966 Sanborn Maps is consistent with the National Register of Historic Places Criteria for Evaluation age threshold of 50 years and allows members' oversight when significance of a structure may be in question.

Applications involving the demolition of structures not shown on 1966 Sanborn maps would still require site plan and LURTC review, and ministerial approval from the Planning Director. Proposed tree protection and debris removal will be reviewed and the OMC will be given notice of any demolitions granted ministerial approval at the monthly OMC public hearing.

Demolition: Review Criteria

In the OMNCD, there are no standards or review criteria in place for demolitions. Without fixed criteria, recommendations of denial can open the Parish up to potential litigation.

New Orleans has demolition criteria for demolition proposals located within designated National Register Historic Districts⁸³ that could be applicable to the OMNCD. In New Orleans, the Council Research Office (CRO) reviews demolition proposals located within designated National Register Historic Districts throughout the city, with exceptions.⁸⁴ The CRO provides a report to the City Council addressing certain criteria associated with the proposed demolition (Table 10).

It is necessary to establish criteria that are consistent with other communities and address issues that have been brought up in previous demolition staff reports and hearings but

https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH26BUBUREHOST_ARTIINGE_S26-6APAP

⁸²Miller, J. "Protecting Potential Landmarks Through Demolition Review". National Trust for Historic Preservation, 2006. <http://ohp.parks.ca.gov/pages/1072/files/09%20protecting%20landmarks%20demo%20review.pdf>. Accessed 9/25/19.

⁸³ List of historic districts include: CBD, Carrollton, Uptown, Garden District, Central City, Lower Garden District, Mid-City Parkview, New Marigny ,South Lakeview with boundaries defined in Chapter 26 of the New Orleans Code Of Ordinances. New Orleans (Louisiana), The City of. [Code of Ordinances](#). [Mini TOC: Chapter 26 - BUILDINGS, BUILDING REGULATIONS AND HOUSING STANDARDS | Code of Ordinances | New Orleans, LA | Municode Library](#)

⁸⁴for accessory structures, partial demolition, less than 25%, structures subject to historic district landmark commission HDLC, VCC, CBD review, structures not shown on the 1983 Sanborn maps; and emergency demolition. . New Orleans (Louisiana), The City of. [Code of Ordinances](#). [Mini TOC: Chapter 26 - BUILDINGS, BUILDING REGULATIONS AND HOUSING STANDARDS | Code of Ordinances | New Orleans, LA | Municode Library](#)

are not currently codified. The proposed criteria are consistent with the New Orleans' provisions, provide added scrutiny for demolition of older potentially significant or historic structures in the neighborhood, and provide some basis for future recommendations (Table 10).

Table 10. New Orleans Examples and Proposed OMNCD Demolition Review Criteria

National Register Historic Districts Review Criteria (New Orleans)	Proposed OMNCD Criteria
The current condition of the structure as evidenced by application photographs	The current condition of the structure
The architectural and historical significance of the structure, working in consultation with historic district landmark commission (HDLC)	The architectural or historical significance of the structure for structures shown on the 1966 Sanborn Maps
The reason for the demolition request, and the cause for the current condition of the structure, if known	The reason for the demolition request
The neighborhood context of the structure and the overall effect demolition will have on the block face and surrounding area;	The neighborhood context of the structure and the overall effect demolition will have on properties located on both sides of the property and the street within the same block
The proposed length of time the site is anticipated to remain undeveloped; and proposed plans for redevelopment, if available	The proposed length of time the site is anticipated to remain undeveloped if demolition is granted.

Submittal Requirements

Demolition proposals without new plans can also raise concerns regarding timing expectations for redevelopment and lot maintenance.

For all demolition proposals in New Orleans, applicants are required to provide a written statement regarding future development plans including proposed plan for maintaining the lot between demolition and redevelopment, including lot/weed maintenance and trash debris removal; if fencing is proposed, type of fencing; timing expectations for planned development; if no redevelopment is planned, the length of time the lot is expected to remain vacant.

Requiring the following detailed information regarding existing structure, maintenance, and post-demolitions upfront as a part of the application can guide review and inform the public about the current site and proposed demolition:

- Year built;
- Proposed plan for maintaining the lot between demolition and redevelopment, including lot/weed maintenance and trash debris removal;
- Reason for removal;
- If fencing is proposed, type of fencing;
- Timing expectations for planned development; and
- If no redevelopment is planned, the length of time the lot is expected to remain vacant.

General lot maintenance provisions in Chapter 8 and 19 of the Code apply in the OMNCD. Sec. 8-3-112.8 requires that all owners and/or occupants shall maintain all exterior property and premises in a clean, safe and sanitary condition. Sec. 19-18 does not allow grass to exceed 8 inches and it shall be a violation if any growth of flowers, gardens or landscaping is uncontrolled or not regularly maintained. There are temporary fencing provisions that apply to sites under construction, demolition, or vacant in the district.

Stating that applicable property maintenance provisions provided in Chapter 8 and 19 apply in the OMNCD will emphasize that properties need to be maintained before, during, and after demolition.

Planning Director

Development activities under the purview of the Planning Director require site plan review and ministerial (administrative) approval from the Planning Director. The Planning Director has the authority to review and grant ministerial approval to the following development activities:

- Addition to principal structure by no more than 10% of the gross floor area
- Any addition or alteration to an accessory structure, except for a change in the proposed location.
- Alteration to principal structure limited to:
 - Demolition of up to 25% of the principal structure
 - Alteration up to 25% of the area of the roof
 - Alteration of up to 25% of an individual façade
- Minor amendments to an approved site plan:
 - Changes in the location and type of landscaping and screening as long as there is no decrease in the effectiveness of screening, buffering and landscaping and all tree preservation requirements are met.
 - Changes in the orientation of portions of driveways or parking areas as long as the effectiveness of the overall site circulation and parking is maintained, no net increases in impervious surface occurs, the number of parking spaces shall not be reduced below the number of required parking spaces, and all tree preservation requirements are met.
 - Changes in the location of sidewalks and pathways provided there is no reduction

- in pedestrian mobility.
- Changes in the location of an approved swimming pool provided all tree preservation requirements are met.
- Changes in the location of a principal structure or an accessory structure by no more than ten percent of the width or depth of the lot as long as all required setbacks are met.

The Planning Director also has the authority to forward an application for OMC review if she determines that the proposed development activity may not support the purposes of the OMNCD.

The current list of development activities under the purview of the Planning Director was introduced into the Code in January 2014.⁸⁵ Over the years, developers and Planning staff have recognized issues with the current list.

The Planning Director can approve additions to a principal structure by no more than 10% of gross floor area. Elevator stairwells, elevator shafts, and roofed porches do not contribute to livable area of a residence and should be excluded from the 10% calculation.

As stated previously, the OMC has the authority to review elevation projects over three feet in height. It should be clarified that the Planning Director can review all elevation projects that do not meet that threshold.

The Planning Director may approve an alteration of up to 25% of the roof area. The current provision does not specify how the roof area is measured. The Planning Department, with guidance from TRUDC architects, is proposing the following method for this calculation:

‘For simplicity of calculation, roof area shall be calculated using the following method: Square footage of roof in plan (accumulated length multiplied by * width, disregarding roof pitch) multiplied by * 1.12 = roof area.’

The Planning Director may also approve an alteration of up to 25% of an individual façade. It should be clarified that the 25% applies *per* façade. Since the rear façade is often not visible from the public right-of-way, any change to the rear façade should be allowed to be approved ministerially by the Planning Director. This proposed change is a substantive change to the review duties of the Planning Director.

The Planning Director can approve any alteration or addition to an accessory structure. This provision is in conflict with Sec. 40-170(2)(a)2. i.e., which states that the Planning Director can approve changes in the location of a principal structure or an accessory structure by no more than ten (10) percent of the width or depth of the lot as long as all required setbacks are met. This issue came up recently with a proposal on Duplessis St. Even the property owner had submitted revised plans with a smaller accessory structure

⁸⁵ Jefferson Parish Planning Department (2014), Text Study: Docket TXT-05-13: OMNCD Side-Yard Massing Angle Study. Ordinance No. 24640.

than originally approved, OMC review was required because the proposed relocation of the structure exceeded 10% of the width or depth of the lot. Allowing the Planning Director to approve any change in the location of an accessory structure will address this conflict.

Other proposed substantive changes to the list of development activities under the purview of the Planning Director include adding changes in building materials and paving that meets all lot coverage requirements.

The Planning Director may approve minor changes to approved site plans. It needs to be clarified that development activities approved ministerially can also be amended ministerially.

There are no general landscaping or screening requirements for the OMNCD, therefore changes in the location and type of screening should be removed. Changes in location of sidewalks and pathways should also be removed from the list because there are no OMNCD requirements for sidewalks and the Department of Engineering, not the Planning Department, is responsible for reviewing sidewalks.

ICE Director

The ICE director has the authority to approve the following:

- Interior renovations, ordinary repair, or standard maintenance;
- Fences meeting all OMNCD requirements, except those located in front yard or public right-of-way; and
- Demolition of accessory structures and fences.

ICE Director

- **Maintain existing review duties, except:**
 - Add mechanical equipment and swimming pools that meet all requirements
 - Replace reference to fences in the ROW to corner side yard

Planning Director

- **Maintain existing review duties, except:**
 - Clarify existing provisions for additions and alterations and add necessary specifications
- **Add:**
 - changes in building materials
 - paving that meets lot coverage requirements
 - Demolition of principal structures not shown on the 1966 Sanborn maps
- **Clarify** existing minor amendments to approved site plans and remove unnecessary provisions
- **Remove** change in location of an approved swimming pool

OMC

- **Maintain existing review duties, except:**
 - Remove demolition of principal structures from purview, except when required by the Planning Director
- **Clarify** that the following are under purview of the OMC:
 - Elevation projects over 3 ft. in height
 - Fences in front and corner side yard
 - Temporary chain link fencing
- **Add:**
 - Paving that exceeds max. amount allowed; and
 - Any proposal that does not meet OMNCD requirements or requires BZA variance

Figure 16. Summary of Proposed Changes to Review Duties

The existing list of development activities under the purview of the ICE Director are appropriate, however the exception for fences needs to be amended. Fences are rarely located in the public right-of-way and proposed changes to regulations that do not allow fences in the corner side yard need to be captured in the development approval section.

Requests to locate mechanical equipment on a property without any variances currently require site plan review by the Planning Department. The ICE Director cannot approve mechanical equipment administratively, even though it poses little design impact if applicable setbacks are met. Mechanical equipment that meets all requirements should be transferred to the purview of the ICE Director (Figure 14).

A new or change to an existing swimming pool in the OMNCD currently requires Planning Department site plan review. New swimming pools also require OMC review and Council approval.

There are no criteria for evaluation of swimming pools in the OMNCD. Planning Department review lengthens the process and increases the cost for the applicant and/or owner. ICE reviews and issues permits for swimming pools throughout the parish. They review swimming pool setbacks and safety features (barriers, alarms, gates, etc.). The Parish arborist reviews tree protection associated with swimming pool and other construction related activities in the MRTPD/OMNCD.

Thus, Planning is recommending to allow ICE Director to approve swimming pools that meet all requirements. As part of the proposed amendments, swimming pools that do not meet requirements will be subject to OMC review and BZA approval.

Renovations and additions

In Chapter 33, the CPZ-Ped overlay and Fat City base zoning districts have general provisions for renovations and additions to promote greater compliance with district requirements to the maximum extent practical. Adding a similar provision in the OMNCD will give some latitude in cases where site constraints exist.

Appeal, exceptions, and variances

The BZA may grant an appeal related to MRTPD applications, including an appeal to a denied tree removal permit. This type of appeal is addressed in the MRTPD Sec. 40-181 (f) Appeals, but not in the BZA Sec. 40-792 which is about allegation of error. It should be clarified in Sec. 40-792 that the BZA may grant appeals to a decision of the Director of Inspection and Code Enforcement related to a MRTPD application.

Legislative exceptions are exceptions to the OMNCD design guidelines approved by the Parish Council. There are no specific provisions for exceptions to the OMNCD guidelines provided in the Code. In the past, legislative exceptions have been granted for:

- Massing angle requirements;
- Location of rooftop mechanical equipment; and
- Exterior materials and design standards.

Stating that legislative exceptions are allowed for any OMNCD-specific regulation in the Code will establish parameters for these types of exceptions (Table 10).

Though the Council has approved exceptions to the OMNCD guidelines, via resolutions, there are no provisions in the Code that specifically grant the decision-making body the authority to do so. Adding provisions that allow the Council to grant legislative exceptions would address this issue.

There are general criteria for evaluation of variances provided in the Code. Establishing similar criteria for the OMC to utilize when making recommendations regarding legislative exceptions and variances is appropriate. Applying the criteria provided below plus requiring consistency with the purpose of the district, will help Planning Department Staff, and OMC evaluate the appropriateness of certain exceptions.

The variance is consistent with the general provisions and intent of the zoning district;

- The variance is harmonious and compatible with adjacent land uses; and
- The variance is the minimum amount needed to relieve a hardship that is unique to the property.⁸⁶

Exceptions to lot orientation requirements currently require a BZA variance based on hardship or extreme circumstances. They should be considered legislative exceptions instead of BZA variances because:

- Lot orientation requirements are unique to the OMNCD and should be treated as other district-specific requirements; and
- There may be situations where an exception to lot orientation requirements is appropriate, but there is no hardship.

Variances

Requirements for variances are referenced throughout the OMNCD and BZA sections of Chapter 40 of the Code.

The BZA has the authority to grant variances for the following in the OMNCD:

- Yard requirements;
- Height restrictions;
- Lot-area-per-family requirements;
- Exterior wall materials;
- Parking, loading, and clear vision requirements;
- RV/ boat parking;
- Driveway slope;
- Fences in the front yard;
- Lot orientation (proposed to be removed);
- Use or placement of fill and retaining wall requirements (proposed to be removed).

⁸⁶ Jefferson Parish Code of Ordinances. Sec. 33-3.53.8.4. Variances (Fat City).

The variance process for fill should be removed to coincide with the recommendation for removal of fill provisions currently located in Sec. 40-173 Fill and Foundation Requirements. Limitations and standards for the BZA action are more appropriate in BZA section than in the OMC section. As part of reformatting, BZA procedure provisions for the OMNCD should be maintained but moved from Sec. 40-170 (2) d. to Sec. 40-793. *Limitation of powers and standards for Board action.*

Table 11. Summary of Proposed BZA Variances and Legislative exceptions

BZA Variances	Legislative exceptions
<ul style="list-style-type: none"> Maintain existing BZA variances, except: <ul style="list-style-type: none"> Remove lot orientation and fill provisions Add fences in the corner side yard 	<ul style="list-style-type: none"> Specify that legislative exceptions may be granted to OMNCD regulations Add: <ul style="list-style-type: none"> Lot orientation and lot coverage.

Council authority over OMNCD Site Plans

Variance requests are heard by the OMC prior to the BZA hearing. The BZA makes decisions on variances. The BZA decision must be made prior to Council adopting a resolution denying or approving the overall site plan through Councilmanic resolution (Figure 15).

The potential conflict between a BZA decision on a variance and Council decision on an overall site plan is an issue that has arisen in recent years. Though it is not explicitly stated, there are provisions in the Code that support the idea that the Council has final decision-making authority over an OMNCD site plan. For site plans that require Council approval, no building permit may be issued until the site plan has been approved.⁸⁷ In addition, a BZA decision regarding variances in the OMNCD does not equate to development rights to build.

Adding a reference to Sec. 33-1.1.21 *Parish Council* will help clarify the Council's authority over OMNCD site plans.

Submittal requirements

There is duplicated information in Sec. 40-171. Review procedures and the appendix, submittal documents. The review procedures provided in Sec. 40-171 are also covered in the appendix and should be omitted from the Code.

OMC reviews and makes recommendation on variance request

BZA reviews and makes decision on variance request

Council reviews and makes final decision on site plan

Figure 17. Process for handling BZA variances in the OMNCD

⁸⁷ Jefferson Parish Code of Ordinances. Sec. 33-2.25.3.

The provision that requires applicants to submit 20 copies of the OMNCD application should be omitted from the Code and excluded from the appendix,⁸⁸ as it is no longer applied in practice.

Sec. 40-171 (c) (8) d. requires a drainage plan for construction or new development and Sec. 40-171 (9) e. requires a drainage plan for elevation projects. For residential development elsewhere in the Parish, a drainage plan is required for lots with depths of 200 ft. or greater.

The OMNCD drainage plan requirement has not been enforced in the past. When a drainage plan is provided, ICE verifies that features are built as proposed on the drainage plan, but does not verify if drawings actually function as they are designed. To reflect existing practice, the required drainage plan should be omitted from the Code and application.

Violations

The OMNCD has a specific violations section in Chapter 40, Sec. 40-174 *Violations*. Violations of the OMNCD are subject to a maximum fine of \$500 per violation. Each day a violation continues constitutes a separate offense. All monetary proceeds from fines are required to be provided to the Department of Parkways for tree planting or maintenance if trees with the OMNCD, MRTPD, or District 5, even when code violations may be unrelated to tree preservation.

There are general violations sections in Chapter 33 and 40 that apply to zoning violations parish-wide.⁸⁹ A separate violations section for the OMNCD is redundant, unnecessary, and should be removed. The general violations provisions applied elsewhere in the parish should be applied to the OMNCD.

Definitions

Specific OMNCD definitions are provided in Sec. 40-169. Some of the definitions in this section should be removed because they are commonly known or no longer relevant with the proposed amendments. Other definitions that are still relevant need to reorganized to fit the Chapter 33 format, either in the general section or OMNCD-specific section. Definitions should be added to help clarify provisions and support new regulations (Table 12).

Table 12. Summary of Proposed Amendments to Definitions

Action	Reason	Terms affected
Remove	Familiar	<u>Design related:</u> alteration, addition, balustrade, deck, development, eclectic architectural style, exterior architectural style, masonry walls (low), porch, renovation, and symmetry

⁸⁸ Ibid. Sec. 40-171 (c) (d) and (e).

⁸⁹ Ibid. Sec. 33-1.13.

Table 12. Summary of Proposed Amendments to Definitions

Action	Reason	Terms affected
		<u>Other:</u> development activity, neighborhood conservation commission, and neighborhood conservation district
	No longer needed with proposed amendments	<u>General:</u> design guidelines <u>Raised dwellings:</u> flood elevation measurement <u>Fill-related:</u> encapsulated fill foundation, loose fill, Pier style foundation, retaining wall foundation, silt fencing, and terracing
	Already covered in Chapter 33	<u>Streetscape, existing grade</u>
	Unclear	<u>Raised building</u>
Modify	To address combination of roof styles	<u>Roof</u>
Move	Part of 33 transfer	General (Sec. 33-10.2) <i>building coverage (footprint), construction, mass, and ordinary repairs and standard maintenance (from Sec. 40-169)</i> <i>accessory building or use (from Sec. 40-3)</i>
		OMNCD-specific (Sec. 33-10.3) <i>demolition and demolition by neglect, landmark, livable area, massing angle (façade), and massing angle (side-yard)</i> ⁹⁰
Add	Clarify provisions	<u>elevated building</u>
	Support new regulations	<u>lot coverage</u>

Old Metairie Commission (OMC)

Sec. 40-170. includes provisions related to the OMC structure including appointment and terms of members. Sec. 40-170. also includes officer responsibilities, other responsibilities of the OMC, and thresholds for review for the OMC, Planning Director, and the ICE Director.

OMC Structure

The OMC holds public hearings to review development proposals and subdivision and zoning requests; and makes recommendations to the Parish Council, who takes final action. The OMC consists of six members:

- Five appointed voting members
 - Three OMNCD residents appointed by the District 5 Councilperson;
 - One professional planner/architect with experience in the Greater New Orleans area appointed by the Parish President;

⁹⁰ The current definition for *massing angle, side-yard* includes height requirements for R-1A, R-1B, R-1C, and R-1D, but not R-2 and RR-3. This definition should be updated with appropriate height requirements for the R-2 and RR-3 zoning districts.

- The Metairie Club Gardens Association (MCGA) president or designee; and
The Planning Director or designee served as a nonvoting ex officio member.

Recent amendments have been made to the Code to standardize the organization of provisions for entities that have responsibilities related to the UDC.⁹¹ Existing provisions related to the OMC structure need to be reformatted to be made consistent with other boards and committees and should be organized as follows:

- Creation;
- Appointment and qualifications;
- Powers and responsibilities; and
- Any other related provisions and procedures that need to be codified.

Powers and responsibilities

The Code allows the OMC to exercise powers and responsibilities beyond the review of site plans and zoning variance petitions, including, but not limited to:

- May recommend institution of suit to prevent any unlawful action in violation of OMNCD provisions;
- Shall review subdivision and zoning petitions affecting the OMNCD and make recommendations to the PAB and Council;
- Is authorized to accept gifts, donations, or grants for purpose of advancing the district;
- May recognize certain structures or landmarks as historic and may advise property owners of benefits of historic designation; and
- May review major capital improvements for public infrastructure to ensure design guidelines are met.

The existing provision related to institution of suit is problematic and should be removed. Due to potential litigation limitations of the OMC, the power to recommend institution of suit to prevent any unlawful action is a role that is more suitable for a third-party entity like a neighborhood association.

There is an existing process in place to address code violations outlined in Chapter 2.5 Administrative Adjudication of public health, housing, fire code, environmental and historic district violation in the Code. It is implied that the OMC or any member of the public has the right to report any unlawful action or violations of the OMNCD to ICE and/or PMZ, and therefore does not need to be codified.

There are two ways subdivisions are approved, only one of which involves review by the PAB and Council approval. The way the OMC responsibilities are written, it is unclear that the OMC reviews major subdivisions and not minor subdivisions that are approved ministerially. The code language should be clarified to state that the OMC reviews and makes recommendation to the PAB and Council regarding major subdivisions located in the OMNCD.

The current authority of the OMC to accept gifts, donations, or grants may create

⁹¹ Jefferson Parish Planning Department (2018) Docket TXT-3-18: Text Study, Planning Advisory Board Meeting Scheduling. Ordinance No. 25621.

additional liability for the OMC and the Parish. Louisiana State ethics laws restrict individual OMC members from accepting gifts, donations, or grants. The financial account for the OMC also does not exist. These powers and responsibilities are potentially problematic and should be removed.

The OMC may recognize structures and landmarks as historic. To retain some authority over potentially historic buildings located in the OMNCD, the OMC should be able to recommend to the Parish Council that significant structures or landmarks be nominated for historic recognition by the National Register of Historic Places.

There are several issues with the OMC's authority to review and make recommendations on major public infrastructure projects. There are no review criteria for these types of projects. The OMC does not have an account set up to cover potential additional expenses. Many public projects involve Parish contracts or agreements that fall outside jurisdiction the OMC. To address these issues, the standards and OMC's authority to review these types of project should be removed.

Vacancy

The Code is unclear that OMC members serve at the pleasure of the appointing party and can be removed for reasons other than malfeasance. It should be clarified that the OMC members serve at the pleasure of their appointing party and can be removed for any reason.

Rules of procedure

Sec. 40-171. *Review procedures* requires the OMC to have formal rules of procedure. Rules of procedures are established for boards, like the OMC, to outline policies and specify rules for conducting business.⁹² The OMC adopted formal rules of procedure on October 4, 2018.

Some provisions in the Code are already covered in the rules of procedure. These provisions include officer responsibilities, provisions related to meeting scheduling, rescheduling, and cancellation, and ethics. The secretary position has already been removed in the rules of procedure and duties listed under the secretary position have transferred under the duties of the Planning Director. The Code should be updated to reflect these changes.

Other matters that are not in the Code, but are included in the rules of procedure include:

- Election of officers;
- Duties of all members;
- Meeting procedures;
- Provisions pertaining to ex parte communication and site visits;
- Decision-making motions, voting procedures, and results; and
- Reference to state ethical standards as applicable to OMC members.

⁹² The Law Dictionary. "What is Rules of Procedure?" <https://thelawdictionary.org/rules-of-procedure/>

CONCLUSION AND STAFF RECOMMENDATION

(for the full Amended Ordinance, see page 59 of this report)

Organization

Unlike Chapter 40, which devotes an article to each zoning district, Chapter 33 is organized by grouping similar provisions together. To further the goal of a UDC, the Planning Department recommends moving most of the OMNCD regulations from Article X. in Chapter 40 to appropriate sections of Chapter 33, and reformatting the OMNCD regulations to be compatible with the UDC organizational structure. The Planning Department recommends reorganizing and reformatting OMNCD regulations to fit the structure of Chapter 33, UDC, and also recommends modifying Code references as necessary to facilitate the proposed changes.

OMNCD provisions to be maintained

Regulations governing the OMNCD are mostly still relevant, appropriate, and supportive of the district. The Planning Department recommends maintaining and moving general massing, setbacks, building design, temporary fencing, and subdivision procedure provisions from Chapter 40, Article X, to Chapter 33, Sec. 33-3.65 *Old Metairie Neighborhood Conservation District (OMNCD)* with limited or no changes. The Planning Department recommends omitting duplications and provisions that are unnecessary or generally problematic, adding missing information, and rectifying errors and inconsistencies within the OMNCD regulations. The Planning Department also recommends clarifying vague provisions and unclear processes that are difficult to administer.

OMNCD provisions to be amended

Substantive changes to the OMNCD regulations are necessary to address long-standing and new issues within the existing district provisions.

Long-standing issues

The OMNCD is a conservation district not a historic district with an eclectic mix of architectural styles represented within it.

There are no criteria for demolition review or mechanism for the OMC to advise owners or recognize structures as historic. There is no requirement in the OMNCD regulations that dictates the use of traditional regional architectural style. The Planning Department recommends adding criteria for demolition review and streamlining procedures by only requiring OMC review of demolition for principal structures with potential significance.

The Planning Department recommends amendments that support a shift in focus from dictating architectural style to encouraging quality design. The Planning Department recommends replacing reference to “mature architectural character” with “quality architectural design”, rephrasing OMC’s authority to recognize structures as historic, and removing the reference to the *Louisiana Speaks: Pattern Book* as a resource for guiding and evaluating development within the district. To support quality design, the Planning Department also recommends adding architectural principles and a functionality

requirement for windows, shutters, or architectural elements.

The OMNCD provisions allude to the preservation of streetscape with numerous references to open character, specific lot orientation requirements, and front yard restrictions. The Planning Department recommends adding a purpose statement and additional restrictions on corner side yard fences, and modifying lot orientation requirements to prioritize Northline and north and southbound streets.

Standards and setbacks for accessory buildings, structures, and uses vary by zoning district and are difficult to apply. The Planning Department recommends establishing uniform setback requirements for accessory buildings, structures, and uses regardless of the underlying zoning to simplify how setbacks of accessory buildings, structures, and uses are handled in the OMNCD.

Residential development is handled differently in the OMNCD than elsewhere in the parish. To reduce conflicts with parish-wide development, the Planning Department recommends removing the existing OMNCD height allowance, restrictions on unenclosed porches and decks, and circular drives, instead allowing applicable general requirements to apply. The Planning Department recommends minimizing complex fill requirements unique to the OMNCD and deleting the special process for handling fill variances. To reduce redundancy the Planning Department recommends removing the OMNCD violations provisions and using the general provisions applied elsewhere in the parish to the OMNCD.

New issues

In an effort to encourage greenspace and deter the excessive use of paving along the streetscape, the Planning Department recommends that coverage of impervious paving and impervious surfaces be limited to 40% in both the front and corner side yards. The Planning Department recommends that additional research on a paving permit and potential total lot coverage be addressed as part of an ongoing integrated stormwater management study. The Planning Department also recommends requiring that at least twenty (20) percent of the required front or corner side yard consist of a green area comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees, shall be provide between the property line and the dwelling or paved area(s). The Planning Department recommends adding provisions for entrances and windows to address streetscape and design concerns associated with new “compound” developments. To help mitigate the impacts of rooftop mechanical equipment, the Planning Department recommends required screening of rooftop mechanical equipment in the OMNCD.

Development approval

To streamline review and reduce the time and cost for applicants, the Planning Department recommends transferring review of mechanical equipment and swimming pools that do not require a variance from the Planning Director and the OMC to the ICE Director. The Planning Department also recommends removing OMC review of tree removal only applications prior to the BZA hearing. The Planning Department also

recommends that demolition of structures not shown on the 1966 Sanborn Maps be reviewed by the Planning Director and department. The Planning Department recommends additional clarifications and minor changes to provisions associated with different levels of review.

The Planning Department recommends distinguishing BZA variances from legislative exceptions and clarifying the Parish Council has decision-making authority over OMC site plans. The Planning Department recommends modifying the BZA appeals and variances in the OMNCD to coincide with the removal of most of the fill regulations and changes to the corner side yard fencing requirements.

Violations and definitions

To reduce redundancy the Planning Department recommends removing the OMNCD violations provisions and using the general provisions applied elsewhere in the parish to the OMNCD. The Planning Department recommends removing definitions that section should be commonly known or no longer relevant with the proposed amendments. The Planning Departments also recommends reorganizing other definitions that are still relevant need to reorganized to fit the Chapter 33 format, either in the general section or OMNCD-specific definition section.

OMC

The Planning Department recommends amending the OMC powers and responsibilities to clarify that the OMC reviews major subdivisions, remove implicit responsibility related to reporting unlawful action, and remove potentially problematic authorities related to accepting gifts and reviewing public infrastructure improvement projects without guidelines. The Planning Departments recommends specifying that members serve at the pleasure of their appointing party and removing provisions addressed in the rules of procedure.

Parish-wide amendments

Provisions related to front setback exceptions and swimming pools need additional clarification. The Planning Department recommends maintaining existing practices, but clarifying applicable provisions.

This recommendation supports the following *Envision Jefferson 2040* goals and objectives:

- Goal 2 of the Land Use Element: “Residential neighborhoods are safe, cohesive, and thriving.”
 - Objective 2.1: “Enhance the attractiveness of residential neighborhoods for existing and new residents.”
- Goal 5 of the Land Use Element: “Enhance aesthetics make built environments attractive places to live, work, travel, learn, and play.”
 - Objective 5.1: “Preserve and enhance the Parish’s tree canopy and other landscaping.”
- Goal 10 of the Land Use Element: “Land use practices and policies enhance sustainability and reduce risk to life and property from hazards.”

- Objective 10.1: “Encourage integrated storm water management, green infrastructure, and other low-impact development techniques to minimize flooding and mitigate impacts of climate.”
- Goal 1 of the Housing Element: “Existing housing stock is well-maintained and revitalized to enhance appearance, function, and appeal.
 - Objective 1.1: “Promote the renovation and revitalization of existing housing stock and residential neighborhoods.”

To achieve this recommendation, the Planning Department recommends the following ordinance amendments:

- Delete the content and reserve the article and the sections of Article X, Secs. 40-166—Sec. 40-174. (#21)
- Transfer provisions from Chapter 40, Article X. Old Metairie Neighborhood Conservation District (OMNCD) to appropriate sections, as applicable, reformat existing language in the UDC format, and make minor or substantive changes to the regulations by amending the following sections:
 - Specific to the OMNCD:
 - Sec. 33-3.65. Old Metairie Neighborhood Conservation District (OMNCD) (#9)
 - Specific to the OMC:
 - Sec. 33-1.25. Old Metairie Commission (OMC) (#2)
 - Specific to applicable procedures:
 - Sec. 33-2.6. Notice (#3)
 - Sec. 40-794 Appeals to the Board (#33)
 - Sec. 33-2.21. Text or map amendments (#4)
 - Sec. 33-2.25. Site plan (#5)
 - Specific to definitions:
 - Sec. 33-6.7.2. Measurement (#12)
 - Sec. 33-10.2. Definitions applicable to this entire UDC (#14)
 - Sec. 33-10.3.2. OMNCD, a new subsection of Sec. 33-10.3. Definitions applicable to specific sections of this UDC (#15)
 - Sec. 40-3 Definitions (#16)
 - Sec. 33-3.3.2. Overlay zoning districts (#6)
 - Sec. 40-33. Overlay zoning districts (#17)
 - Sec. 40-743.5. Regulations for fences (#30)
 - Sec. 40-793. Limitations of power and standards for Board action (#32)
- Address housekeeping issues related to the OMNCD:
 - Update references to the OMNCD provisions, by amending the following sections:
 - Sec. 40-665. Clear vision area regulations (#27)
 - Delete outdated provisions or definitions that are no longer relevant or problematic, by amending the following sections:
 - Sec. 40-737. Exceptions to height requirements (#28)
 - Sec. 40-792. Powers of the Board (#31)
 - Clarify that the Parish Council has final decision-making authority over site plans in the OMNCD, by amending the following sections:
 - Sec. 33-1.21. Parish Council (#1)
 - Sec. 40-793. Limitations of power and standards for Board action (32)

- Clarify That the BZA may grant appeals to a decision of the Director of Inspection and Code Enforcement related to a MRTPD application, by amending Sec. 40-792. Powers of the Board which is about allegation of error (#31)
- Require BZA variances for fences located in the corner side yard in the OMNCD and subject them to the same restrictions and approval process as front yard fences by amending Sec. 40-743.5 *Regulations for fences* (#30)
- Specify construction related to swimming pools, by amending Sec. 40-178. Definitions (#22)
- Modify the following related parish-wide provisions that need clarification:
 - Procedures for handling exceptions to front yard setback requirements, by amending the following sections:
 - Sec. 33-3.51.3. Dimensional standards (OBM-1) (#7)
 - Sec. 33-3.58.5. Dimensional standards (U-1S) (#8)
 - Sec. 33-6.6.1 Lots generally (#11)
 - Sec. 40-64. Area regulations (B-1) (#18)
 - Sec. 40-81. Exceptions (S-1) (#19)
 - Sec. 40-94. Area Regulations (R-1A) (#18)
 - Sec. 40-113. Exceptions (R-1B) (#20)
 - Sec. 40-133. Exceptions (R-1C) (#20)
 - Sec. 40-153. Exceptions (R-1D) (#20)
 - Sec. 40-189. Area regulations (R-1MH) (#23)
 - Sec. 40-204. Area regulations (R-2) (#23)
 - Sec. 40-239. Area regulations (R-3) (#23)
 - Sec. 40-219. Area regulations (RR-3) (#24)
 - Sec. 40-269. Area regulations (R-1CO) (#25)
 - Standards and setbacks for swimming pools, and accessory buildings, and structures on corner lots, by amending the following sections:
 - Sec. 33-5.3.2. Accessory buildings, structures, and uses (#10)
 - Sec. 40-661. General Requirements (#26)
 - Sec. 40-743. Regulation of accessory buildings, structures and uses (#29)
 - Sec. 33-6.8.2.1 Private garages (# 13)

AMENDED ORDINANCE Legend: added text deleted text moved text

Staff recommends the following ordinance amendments:

1. **Amend Chapter 33. Unified Development Code, Article 1. Administration, Division 2. Boards, Committees, and Decision-making Entities, Sec. 33-1.21. Parish Council, to clarify that the Parish Council has the final decision-making authority on site plans requiring OMC review and renumber subsequent sections, to read as follows:**

* * *

(4) Decide on all site plans requiring OMC review;

(4) (5) Authorize development agreements;

* * *

2. Amend Chapter 33. Unified Development Code, Article 1. Administration, Division 2. Boards, Committees, and Decision-making Entities, Sec. 33-1.25. *Old Metairie Commission (OMC)*, to transfer and amend regulations related to powers, responsibilities, and structure of the OMC, and reference to rules of procedure from Chapter 40 to Chapter 33, to read as follows:

Sec. 33-1.25. Old Metairie Commission (OMC) (reserved).

(a) Creation. The Old Metairie Commission (“OMC”) is hereby established in accordance with Section 4.06 Advisory and Quasi-Judicial Boards of the Jefferson Parish Charter (“Charter”).

(b) Powers and Responsibilities.

(1) Powers. It shall be the duty of the OMC to:

- a. Review all recommendations of the Planning Director concerning OMNCD development proposals specified in this UDC and make recommendations on such proposals to the Parish Council or the BZA.
- b. Recommend to the Parish Council, with the consent of the property owner, that significant structures or landmarks be nominated for historic recognition by the National Register of Historic Places.

(2) Responsibilities. The OMC shall act in an advisory capacity to the Parish Council and BZA in conformance with the Charter, this Code, and State law. In addition to the powers enumerated in this UDC, these responsibilities shall include the following activities:

- a. Conduct public hearings and recommend action to the:
 1. Parish Council on development proposals requiring OMC review;
 2. PAB and the Parish Council on:
 - i. Text or map amendments related to or for property located in the OMNCD;
 - ii. Major subdivisions for property located in the OMNCD; and
 - iii. Special permitted use or conditional use permits for property located in the OMNCD;
 3. BZA for petitions for variances for property located in the OMNCD; and
- b. Make recommendations on all other items referred to it by the Planning Director or the Parish Council.

(c) Members.

(1) Appointment and Qualifications. The OMC shall consist of five (5) voting members and one (1) nonvoting member:

- a. Three (3) voting members shall be residents of the OMNCD, and shall be appointed by the District Five (5) Councilperson and ratified by resolution of the Parish Council;
- b. One (1) member shall be an architect or planner with experience in the Greater New Orleans Area, and shall be appointed by the Parish President and ratified by resolution of the Parish Council;
- c. The president of the Metairie Club Gardens Association or a designee shall be a voting ex-officio member; and
- d. The Planning Director or a designee shall be a nonvoting ex-officio member.

(2) Term Length.

- a. Each appointed member shall serve a term of four (4) years which shall run concurrently with the term of his/her appointing party.
 - b. Each appointed member may serve until he/she is reappointed or his/her successor is appointed.
 - c. Any member may serve an unlimited number of consecutive terms.
- (3) Vacancy. A vacancy shall be filled by appointment by the appointing party, in which the vacancy exists. Appointed members of the OMC serve at the pleasure of their appointing party and may be removed by their appointing party at any time pursuant to the methods provided for appointment.

(d) Procedures.

- (1) Generally. The OMC shall exercise its powers and responsibilities in accordance with Article 2. Procedures of this UDC.
- (2) Rules of procedure. The OMC shall adopt rules of procedure not in conflict with any State act, Parish ordinance, or this UDC.
- (3) Quorum and Voting. Meetings of the OMC shall take place when a quorum of three (3) members is duly convened. No action of the OMC shall be valid or binding unless adopted by the affirmative vote of three (3) members of the OMC.

3. Amend Chapter 33. Unified Development Code, Article 2. Procedures, Division 1. Common Procedures, Sec. 33-2.6. Notice, to replace references to the Planning Advisory Board with the acronym (PAB) and to add the notice requirements for OMC public hearings, to read as follows:

(a) PAB and OMC.

- (1) Notice of public hearings. for the Old Metairie Commission and the Board of Zoning Adjustments shall be provided pursuant to the applicable sections of Chapter 40 Zoning of this Code. Except as otherwise provided, the following notices shall be provided for PAB and OMC public hearings. Parish Council hearing notice shall be provided by the Jefferson Parish Council Clerk in accordance with the Jefferson Parish Code of Ordinances: No other mandatory types of notice shall be required; however, the PAB, OMC, or Planning Director, by rule, may provide for additional discretionary forms of notice.

- a. Published notice. Notice setting forth the date, time, place, and purpose of the public hearing, a general description of the proposal, and location of the subject property shall be published at least three (3) consecutive times in the Official Journal of Jefferson Parish. Notice shall be published not more than twenty (20) business days before the public hearing and at least ten (10) business days shall lapse between the first publication and the public hearing.:

1. For the PAB, at least three (3) consecutive times, with the first publication ten (10) to twenty (20) days before the public hearing; or

2. For the OMC, at least once, five (5) to twenty (20) days before the public hearing.

(2) **b.** Mailed notice. Notice setting forth the date, time, place and purpose of the public hearing, a general description of the proposal, and location of the subject property shall be mailed to the applicant and all property owners of property located within three hundred (300) feet, measured radially from the lot lines of the subject property, (Figure 33-2.6-1), at least ten (10) business days before the public hearing for the PAB, and at least five (5) days before the public hearing for the OMC. Mailed notice of a public hearing shall be sent at the applicant's cost and the applicant shall provide the Planning Director with a notarized list of names and addresses of the property owners to be notified, as listed in the official records of the Parish Assessor.

Figure 33-2.6-1: Mailed Notice Radius.



(3) **c.** Posted Alnotice. At least one (1) sign shall be posted on the subject property, visible from the nearest public street right-of-way, a minimum of at least ten (10) business days before the public hearing. For the PAB, the sign(s) shall remain posted on the property until after final action. For the OMC, the sign(s) shall remain posted on the property until after action by the OMC and shall be removed within ten (10) business days thereof. The Planning Director shall determine sign content. No other mandatory types of notice shall be required; however, the Planning Advisory Board PAB, OMC, or Planning Director, by rule, may provide for additional discretionary forms of notice.

(2) Defective notice; validity.

* * *

(e) **(3) Substitute, alternative or modified proposal.** Notice of the original proposal ~~on the docket of the Planning Advisory Board~~ in accordance with this section shall also constitute notice of any substitute, alternative, or modified amendment, supplement, or change that may be adopted by the Council, or recommended by

the Planning Director, other department director, Old Metairie Commission, or the Planning Advisory Board **PAB, or OMC**, following the public hearing if the said substitute, alternative, or modified proposal meets the following criteria:

(1) **a.** *Map amendment.*

- a. If the original proposal is more restrictive than the present classification and the substitute, alternative or modified proposal is less restrictive than the original proposal but more restrictive than the present classification; or
- b. If the original proposal is less restrictive than the present classification and the substitute, alternative or modified proposal is more restrictive than the original proposal but less than the present classification; or
- c. If a zoning map change has been initiated and the change is to or from a base zoning district listed between and including (9) RR-3 through (22) OW-1 of Sec. 40-32 (a), then the MUCD may be approved as a substitute, alternative or modified proposal; or
- d. If a zoning map change has been initiated and the change is to a MUCD, then any district listed between and including (9) RR-3 through (21) C-2 may be approved as a substitute, alternative or modified proposal; or
- e. When a zoning map change has been initiated and the change is to or from a mixed-use base zoning district of Sec. 40-32(b), no substitute, alternative or modified proposal shall apply.

- 1. If it does not increase the amount of land involved from that indicated in the notice;**
- 2. If the original or substitute, alternative, or modified proposal is to or from a mixed-use base zoning district, no substitute, alternative, or modified proposal shall be allowed, with the exception of 3 below;**
- 3. The CPZ Commercial Parkway Overlay Zone or CPZ-Ped Commercial Parkway Pedestrian Overlay Zone may be a substitute, alternative, or modified proposal; and**
- 4. If a zoning map change:**
 - i.** Has been initiated and the change is to or from a base zoning district listed between and including (9) RR-3 through (22) OW-1 of Sec. 40-32 (a), then the MUCD may be approved as a substitute, alternative or modified proposal; or
 - ii.** Has been initiated and the change is to a MUCD, then any district listed between and including (9) RR-3 through (21) C-2 may be approved as a substitute, alternative or modified proposal; or
 - iii.** When a zoning map change has been initiated and the change is to or from a mixed-use base zoning district of Sec. 40-32(b), no substitute, alternative or modified proposal shall apply.

(2) **b.** *Text amendment.* If the substitute, alternative, or modified proposal is within reasonable limits of the purpose or subject matter of the original proposal.

c. All other land use actions. If the substitute, alternative, or modified proposal is within reasonable limits of the purpose or subject matter of the original proposal and does not:

1. Increase the density, intensity, or impact of the original proposal;
2. Increase the variance, exception, or waiver from that indicated in the notice; or
3. Increase the amount of land involved from that indicated in the notice.

(b) BZA. Notice for the Board of Zoning Adjustments shall be provided pursuant to Chapter 40 Zoning of this Code.

(c) Parish Council. Notice for the Parish Council shall be provided by the Jefferson Parish Council Clerk in accordance with the Jefferson Parish Code of Ordinances.

4. Amend Chapter 33. Unified Development Code, Article 2. Procedures, Division 2. Zoning, Sec. 33-2.21.2. et seq. to replace references to the Planning Advisory Board with the acronym (PAB) and include references to the OMC where applicable, to read as follows:

Sec. 33-2.21.2. Initiation.

The amendment process may be initiated:

- (1) Upon recommendation for amendment by the Planning Director or the Planning Advisory Board **(PAB)** to the Council, after determination by the Planning Director or the Planning Advisory Board **PAB**, that the amendment should be considered. Prior to the recommendation, the Planning Advisory Board **PAB** or Planning Director may initiate a study to prepare an amendment;
- (2) By written request of an owner of real property in unincorporated Jefferson Parish or the owner's authorized agent. Such a request shall be submitted to the Planning Director for evaluation by administrative staff and the Planning Advisory Board **PAB** prior to introduction of the requested amendment to the Council. No petition for an amendment shall be considered or acted upon unless such petition is duly signed by the owners or authorized agents of not less than fifty (50) percent of the area of the land for which an amendment is requested; provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners or their authorized agents must sign the petition for that lot to be included in the fifty (50) percent provision;
- (3) By resolution of the Council directing the preparation of a study of the text or map; or
- (4) By introduction of an ordinance by the Council.

Sec. 33-2.21.3. Public hearing.

A public hearing for each proposed amendment shall be conducted by and before the Planning Advisory Board **(PAB), and Old Metairie Commission (OMC) if the amendment pertains to the Old Metairie Neighborhood Conservation District**

(OMNCD), at which time all interested parties and citizens shall have an opportunity to be heard. Each proposed amendment shall be allotted a docket number and scheduled for public hearing. During the public hearing, the Planning Director or her designee shall be called upon for presentation of analysis and a technical recommendation for the proposed amendment.

Sec. 33-2.21.4. Decision makers.

- (a) *Planning Director action.* Prior to the public hearing, the Planning Director shall submit the Planning Department's technical findings and technical recommendation related to regarding the proposed amendment for consideration by the ~~Planning Advisory Board PAB, and the OMC if the amendment pertains to the OMNCD, for a public hearing and recommendation.~~
- (b) *Planning Advisory Board PAB action.* After considering public testimony and the findings and technical recommendation of the Planning Director, the ~~Planning Advisory Board PAB~~ may recommend adoption of the proposed amendment as presented, adoption of the amendment with modifications, or disapproval of the amendment.
- (c) *Recommendations to Council.* After the ~~Planning Advisory Board (PAB)~~ makes its a recommendation, it shall forward the PAB recommendation, hearing minutes, and any related materials to the Parish Council; and the Planning Director shall forward her findings and technical recommendation and the OMC's recommendation, if applicable to the Parish Council.
- (d) Parish Council action.
 - (1) After considering the findings and recommendations of the PAB, OMC, and Planning Director, and upon hearing any testimony, the Council may approve, approve with modifications, or disapprove a proposed amendment. If no findings, recommendations, and testimony are received by the Council within forty-five (45) days after the date of the ~~Planning Advisory Board PAB~~ public hearing, the Council may take official action on the proposed amendment without this record.

* * *

5. Amend Chapter 33. Unified Development Code, Article 2. Procedures, Division 2. Zoning, Sec. 33-2.25.1. et seq., to include provisions related to the OMNCD and clarify existing provisions when necessary, to read as follows:

Sec. 33-2.25.1. Purpose.

Site plans are intended to provide detailed information about the location, design, and configuration of proposed buildings, parking, access ways, landscaping, yards, and other features of site development. This information is needed to demonstrate compliance with applicable requirements for the location and type of development and is vital to ensure the continued health, safety, and welfare of the general public. Recognizing that administrative staff is capable of evaluating site plans as a matter of course in the review of development permits, that the land development regulations are specific in terms of their requirements, including which uses are subject to site plan review and in which zoning districts site plan review shall occur, that the need for a public hearing is reduced for most projects, and in accordance with law, the Parish establishes a ministerial or staff procedure for site plan approval and provides a ministerial/quasi-judicial procedure,

quasi-judicial/ legislative procedure, and a legislative procedure for site plans that require a public hearing and action by the Board of Zoning Adjustments and/or the Parish Council.

* * *

Table 33-2.25.2-1: Development Approvals Requiring Site Plan Review, by District.

Zoning District	Fat City Districts FC-1 FC-2 FC-3	OBM-1 OBM-2	U-1S	CPZ-Ped	TCMU	<u>OMNCD</u>
New Development	✓	✓	✓	✓	✓	✓
Change in Use Resulting in Increase in Required Parking	✓		✓	✓	✓	N/A
Renovation Cost Exceeding 50% of Market Value			✓			
Addition Exceeding 25% of Building Size			✓			
All Changes With Exceptions Noted in District Regulations	✓	✓		✓	✓	✓
Parking Lot (LBCS Function Code 2641)	✓	N/A	✓	✓	✓	N/A

Sec. 33-2.25.3. Development review process.

Unless otherwise provided in this Code, site plans shall be submitted to the Planning Department. The Planning Director shall forward the site plan and any related information to the LURTC for review and comment prior to action. ~~Lack of findings from LURTC within ten (10) days shall be construed as no objection to approval.~~ After evaluating LURTC comments and the site plan's compliance with applicable development standards, the Planning Director shall render a decision: 1) the application qualifies for ministerial development approval; 2) the application qualifies for ministerial/quasi-judicial development approval; 3) the application qualifies for quasi-judicial/legislative development approval; or 4) the application is subject to legislative development approval. The categories of approval are specified in Sec. 33-2.3 *Approval categories*.

(1) *Ministerial development approval.* Unless otherwise provided in this Code, the

Planning Director shall approve the site plan if it fully complies with the criteria and standards set forth in the applicable zoning district and other applicable sections of this UDC, or Chapters of this Code, or if it does not fully comply but has been granted a ministerial exception.

- (2) *Ministerial/Quasi-judicial development approval.* If the standards of the zoning district or in other applicable sections of this Code authorize the Board of Zoning Adjustments (BZA) to grant a variance or exception for criteria and standards and the applicant requests this quasi-judicial action, ~~t~~The Planning Director shall forward submit the application with a Planning Department's technical findings and recommendation regarding approval of the site plan to the BZA and shall withhold approval of the site plan until the BZA takes final action, if:
- a. The provisions or requirements of the zoning district or in other applicable sections of this Code authorize the BZA to grant an exception or variance from the provisions or requirements; and
 - b. The applicant requests this quasi-judicial action.

(3) Quasi-judicial/legislative development approval.

- a. The Planning Director shall submit the Planning Department's technical findings and recommendation regarding the proposed variance (s) to the OMC for a public hearing and recommendation.
- b. The OMC shall review the variance request and make a recommendation to the BZA for quasi-judicial action.
- c. After the OMC makes a recommendation, the Planning Director shall submit the Planning Department's technical findings and recommendation and the OMC's recommendation to the BZA.
- d. After the BZA makes a decision on the variance(s), in accordance with Sec. 40-793. Limitation of powers and standards for Board action, the Planning Director shall submit the Planning Department's technical findings and recommendation, the OMC's recommendation, and the BZA's action to the Council for final action, by resolution of the Council.

- (3) (4) *Legislative development approval.* If the standards of the zoning district or in other applicable sections of this Code authorize the Parish Council to approve a concept or development plan, or grant a variance or exception for criteria and standards and the applicant requests this legislative action, ~~t~~The Planning Director shall forward submit the application with a Planning Department's technical findings and recommendation regarding approval to the Old Metairie Commission OMC or the Planning Advisory Board PAB, as applicable, for a public hearing and recommendation and to the Council for final action, if:

- a. The provisions or requirements of the zoning district or in other applicable sections of this Code authorize the Parish Council to approve a concept or development plan, OMC site plan, or grant an exception or variance from provisions or requirements; and

- b.** The applicant requests this legislative action.
- (4) **(5)** Submittal requirements. The application for site plan review shall include the information listed in the Appendix of this UDC, unless:
- a. Additional information is required by the zoning district standards or other applicable sections of this Code; or
 - b. The Planning Director finds, in writing, that specific information is not required or additional information is required to evaluate compliance with applicable development standards.
- (5) **(6)** Effect of Approval.
- a. The approved site plan, as indicated by the dated signature of the Council Chairperson or Planning Director, as applicable, shall govern development and use of the property until a new or amended site plan is approved. Until a site plan is approved, no building or structure shall be erected, added to, or structurally altered; no parking lot shall be paved, added to, or structurally altered; and, no building permit or certificate of completeness shall be issued. Any deviation from the approved site plan is a violation of this UDC.
 - b. Final site plan approval shall be valid for a period of one (1) year, except that a phasing plan approved by the Council or Planning Director, as applicable, may provide for approval of discreet project phases over a period of up to three (3) years. Site plan approvals of longer than three (3) years may be authorized through Parish Council approval of a development agreement as provided in Division 4, Development Agreements, in this Article.
 - c. If approval of the site plan lapses because no building permit has been issued or the building permit lapses and has not been reactivated, then the approved site plan shall be deemed null and void.
- (7)** Revisions to a site plan after OMC public hearing. If, as a result of the public hearing, the OMC's recommendation requires revisions to a plan or elevation, the applicant shall submit the following information to the Planning Director:
- a. The revised plans or elevations, with revision date, that are dimensioned and drawn to scale.
 - b. A notarized affidavit that includes the following:
 1. Itemized, detailed list of all revisions shown on the revised drawing(s);
 2. Verification that no other revisions are shown on the drawing(s); and
 3. The signature and Louisiana license number of the design professional that prepared the revised drawing(s), as applicable.
 - c. The Planning Department shall review the revisions for completeness, and upon finding of completeness, shall forward the revised drawing(s) to the OMC Chairperson for his or her signature.

* * *

6. Amend Chapter 33. Unified Development Code, Article 3. Zoning, Division 1.

Introduction, Sec. 33-3.3.2. Overlay zoning districts, to replace the existing reference to the OMNCD in Chapter 40, to read as follows:

The following overlay zoning districts are established for unincorporated Jefferson Parish. These districts impose additional requirements on certain properties within one or more underlying base zoning districts:

* * *

(3) OMNCD Old Metairie Neighborhood Conservation District is an overlay district with boundaries defined within [Sec. 33-3.65.](#) Article X—Old Metairie Neighborhood Conservation District in Chapter 40 Zoning of this Code [UDC](#).

* * *

7. Amend Chapter 33. Unified Development Code, Article 3. Zoning, Division 3. Mixed-Use Base Zoning Districts, Table 33-3.51.3-1 Dimensional Standards – OBM-1 Old Bucktown Mixed-Use Residential, to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

Table 33-3.51.3-1: Dimensional Standards – OBM-1 Old Bucktown Mixed-Use Residential.

HEIGHT		
	Dimensions	Other Limitations
Building height (maximum)	45 ft.	
SETBACKS		
	Dimension	Other Limitations
Lot width (minimum)	50 ft.	
Lot depth (minimum)	100 ft.	
Front yard setback (minimum)	20 ft. OR Average front yard setback of other buildings <u>on both sides of the property and the street, within</u> along the same block face that are zoned <u>and OBM-1 zoning district</u> (no less than 10ft.) ¹	Front yard setbacks are required on both streets for through lots
Side yard setback (minimum)	5 ft.	On corner lots, all structures shall be located a minimum of ten (10) feet from the side property line.

Rear yard setback (minimum)	15 ft.	
MINIMUM LOT AREA BY NUMBER OF DWELLINGS		
One single-family dwelling	5,000 sf	
One two-family dwelling	6,000 sf	
One three-family dwelling	7,200 sf	
One four-family dwelling	8,000 sf	
Townhomes up to four	See applicable number of dwellings above	
SIZE OF RETAIL AND SERVICE ESTABLISHMENTS		
Retail and service establishment (minimum)	800 sf.	
Retail and service establishment (maximum)	2,500 sf.	

1. The front yard setbacks of other buildings shall be provided by the subject property owner or applicant .

* * *

8. Amend Chapter 33. Unified Development Code, Article 3. Zoning, Division 3. Mixed-Use Base Zoning Districts, Sec. 33-3.58.5 Table 33-3.58.5-2: U-1S Building Requirements, to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

Table 33-3.58.5-2: U-1S Building Requirements.

Building Requirements	Development type		
	Nonresidential buildings, buildings other than 1-4 family residential	1-4 family residential	Townhome
Front Setback (ft.)	N/A	20 ft. or avg. front <u>yard</u> setback-along <u>of other buildings on both sides of the property and the street, within the same block and</u> within U-1S <u>zoning district</u> , min. 10 ft. ¹ Front yard setback required on both streets for through lots.	

Development type			
Building Requirements	Nonresidential buildings, buildings other than 1-4 family residential	1-4 family residential	Townhome
Side Setback (ft.)	Min. 10 ft. abutting a residential zoning district or use	Minimum combined width of 20% of lot width, min. 5 ft. on each side, max. 15 ft. combined width.	Minimum combined width of 20% of lot width, max. 15 ft. combined width, interior dwelling units not subject to side yard setback, min. 10 ft. abutting a detached single-family dwelling in a residential zoning district.
Corner Lot Side Setback (ft.)	Must provide clear vision area		10 ft.
Rear Setback (ft.)	Min. 15 ft. abutting a residential zoning district or use	20% of lot depth, min. 15 ft., max. 25 ft., min. 10 ft. abutting a detached single-family dwelling in a residential zoning district.	
Building Height/Area	Max. 65 ft. height Restaurants, retail, and service establishments must be a minimum of 800 sq. ft.		
Additional Setbacks	Min. 20 ft. if building height exceeds 65 ft. and abuts a residential district or use Min. width of a required buffer if more restrictive 10 ft. for accessory structures in the side or rear yard abutting a reverse corner lot		

1. The front yard setbacks of other buildings shall be provided by the subject property owner or applicant .

* * *

9. Amend Chapter 33. Unified Development Code, Article 3. Zoning, Division 4. Overlay Zoning Districts, Sec. 33-3.65. Old Metairie Neighborhood Conservation District (OMNCD), to remove the reference to Chapter 40, transfer provisions from Chapter 40 to 33, and modify certain requirements, to read as follows:

Sec. 33-3.65. Old Metairie Neighborhood Conservation District (OMNCD).

See Chapter 40, Article X of this Code.

Sec. 33-3.65.1. Purpose.

The Old Metairie Neighborhood Conservation District (OMNCD) is intended to

promote the health, safety, economic, cultural, and general welfare of the populace of Jefferson Parish by encouraging the conservation and enhancement of the urban environment. The purpose of this district is to:

- (1) Maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment and the accommodation of desirable change;
- (2) Promote reinvestment in the neighborhood by fostering stable property values and enhancing the economic viability of the neighborhood and the Parish in general;
- (3) Preserve the open character of the existing streetscape set by the spacing between houses and by spacing between structures and the street;
- (4) Set standards for the maintenance of the eclectic architectural quality of the neighborhood by guiding new construction on residential parcels to be compatible with existing density and architectural styles;
- (5) Foster the harmonious, orderly, and efficient growth, development, and redevelopment of the Parish;
- (6) Protect and preserve the existing tree canopy in an effort to maintain and add aesthetic appeal, increase comfort and property values, temper climatic conditions, absorb rainwater thereby reducing impact on the drainage infrastructure, and generally improve the quality of life;
- (7) Preserve the natural floodplain functions, limit the aesthetic impact of paved surfaces on the built environment, promote and encourage the use of greenspace to help reduce runoff, and protect the root zones of significant trees; and
- (8) Encourage a high quality of architectural design and construction that is in harmony with the character of the district and reduces impacts from flooding, erosion, and sediment pollution to individual properties and to the conservation district as a whole.

Sec. 33-3.65.2. Generally.

- (a) Where there is a conflict between the standards of this district and the standards of the underlying zoning district, the standards of this district shall govern.
- (b) Where this district is silent on a standard, the standard of the underlying district or other applicable section of the Code shall apply.
- (c) Nothing in this section shall prevent any ordinary maintenance or repairs, construction, reconstruction, alteration, or demolition necessary to remedy an unsafe or dangerous condition or threat to public safety.
- (d) The OMNCD shall be defined by the following boundaries:
 - (1) To the north, by the New Orleans Terminal Railroad;
 - (2) To the east, by Metairie Road and Orpheum Avenue;
 - (3) To the south and west, by the Metairie Country Club; and
 - (4) Excluding the following:
 - a. All properties zoned C-1;
 - b. Metairie Country Day School;
 - c. St. Francis Xavier Church and School; and
 - d. Metairie Country Club.

Sec. 33-3.65.3. Authorized uses.

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.

Sec. 33-3.65.4. Dimensional standards.

See underlying zoning district, except that the following shall apply:

(a) Lot orientation. Notwithstanding regulations which require that the lot frontage having the shortest distance shall be the front for setback purposes, **the following regulations shall apply:**

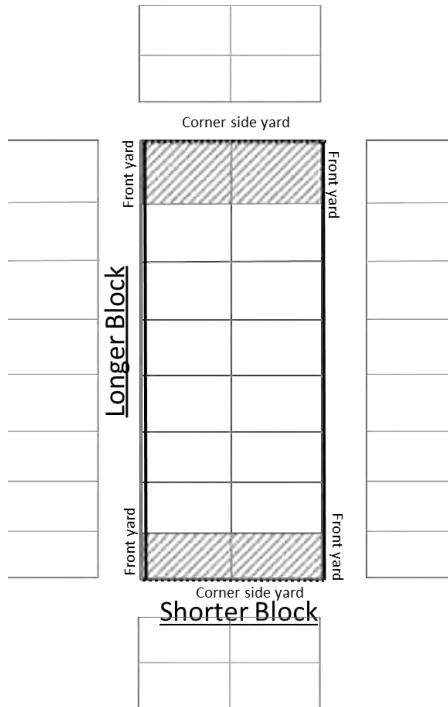
(1) Lots abutting Northline Street.

- a. **The lot frontage along Northline Street shall be the front yard.**
- b. **The lot frontage that abuts the other street shall be the corner side yard.**

(2) Corner lots not abutting Northline Street.

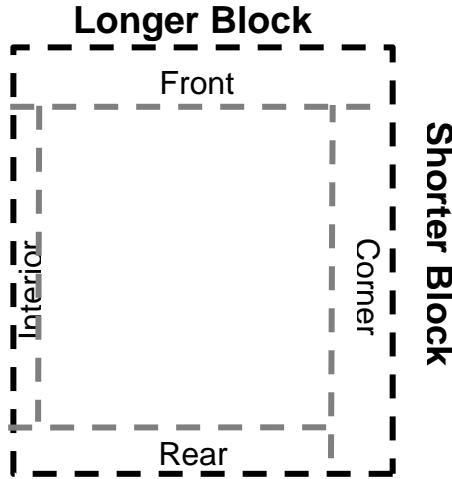
- a. **The lot frontage that abuts the longer block shall be the front yard as shown in Figure 33-3.65.4-1.**
- b. **The lot frontage that abuts the shorter block shall be the corner side yard as shown in Figure 33-3.65.4-1.**

Figure 33-3.65.4-1: Lot Orientation for Corner Lots Not Abutting Northline.



(3) See Figure 33-3.65.4-2 for the designation of the remaining sides of a corner lot.

Figure 33-3.65.4-2: Designation of Corner Lot Yards.



(b) Setbacks. Setbacks shall be determined by the underlying zoning district, except that:

(1) Where the average front yard of lots improved with buildings within the same block and zoning district, on both sides of the property and of the street, is less than the minimum required front yard, the front yard on the subject property may be the average of the existing front yards; however, no front yard shall be less than ten (10) feet. The front yard setbacks of the properties within the same block and zoning district shall be provided by the subject property owner or applicant.

(2) Sec. 40-741 Projections into open areas shall apply.

(c) Lot coverage. No more than forty (40) percent of the front yard and corner side yard, calculated separately, shall consist of impervious paving or other impervious surfaces.

(d) Mass.

(1) Façade and side-yard massing angles shall be measured from eighteen (18) inches above the crown of the street or base flood elevation (BFE), whichever is higher, from the following locations:

a. For the façade massing angle, from the front lot line toward the structure (Figure 33-3.65.4-2); and

b. For the side-yard massing angle, from the side lot line toward the structure beginning at the following heights (Figure 33-3.65.4-3):

1. R-1A Single-Family Residential District: eighteen (18) feet;

2. R-1B Suburban Residential District: sixteen (16) feet;

3. R-1C Rural Residential District: fourteen (14) feet;

4. R-1D Rural Residential District: twelve (12) feet;

5. R-2 Two-Family Residential District: eighteen (18) feet; and

6. RR-3 Three- and Four-Family Residential District: sixteen (16) feet.

c. If the lot width of an established residential lot does not meet the minimum lot width requirements of the zoning district, the lot shall be subject to the side-yard massing angle requirements of the following corresponding range:

1. Less than fifty-five (55) feet: R-1A.
2. Fifty-five (55) feet to less than seventy (70) feet: R-1B.
3. Seventy (70) feet to less than eighty (80) feet: R-1C.

Figure 33-3.65.4-3: Façade Massing Angle Illustration.

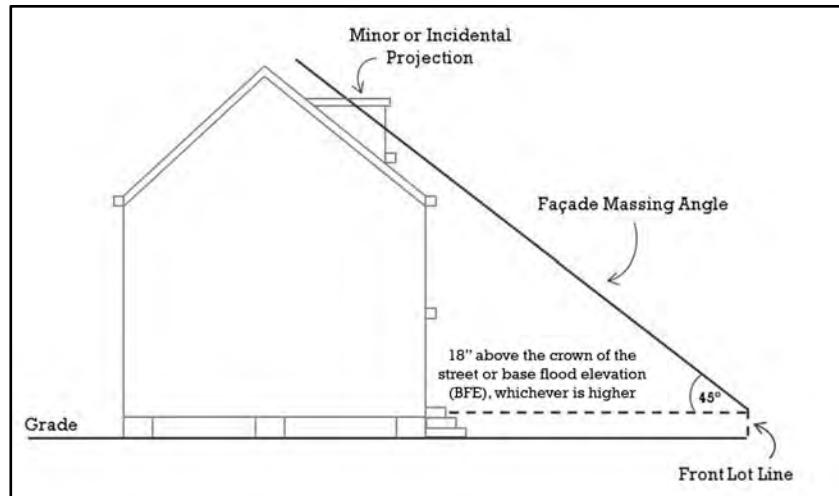
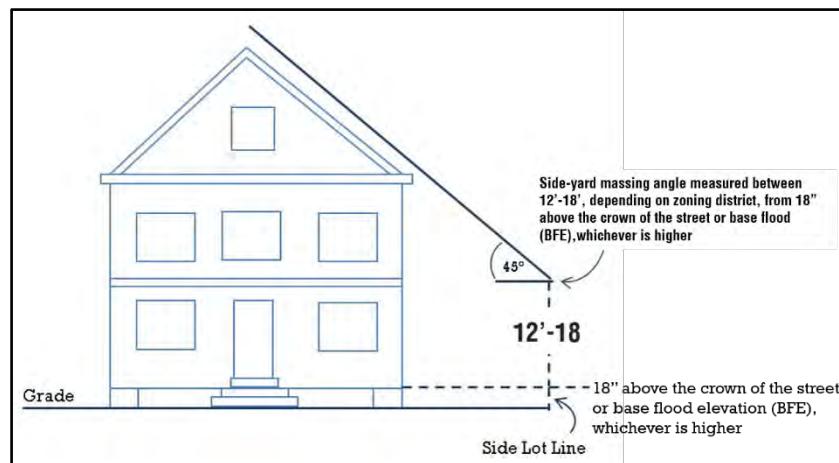


Figure 33-3.65.4-4: Side-Yard Massing Angle Illustration.

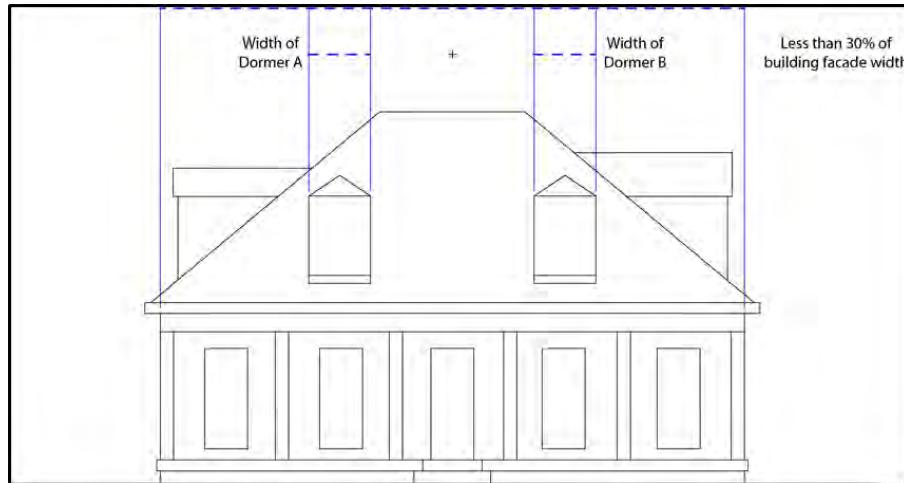


(2) No part of a proposed structure or addition to an existing structure shall penetrate the lot's façade or side-yard massing angle, except that:

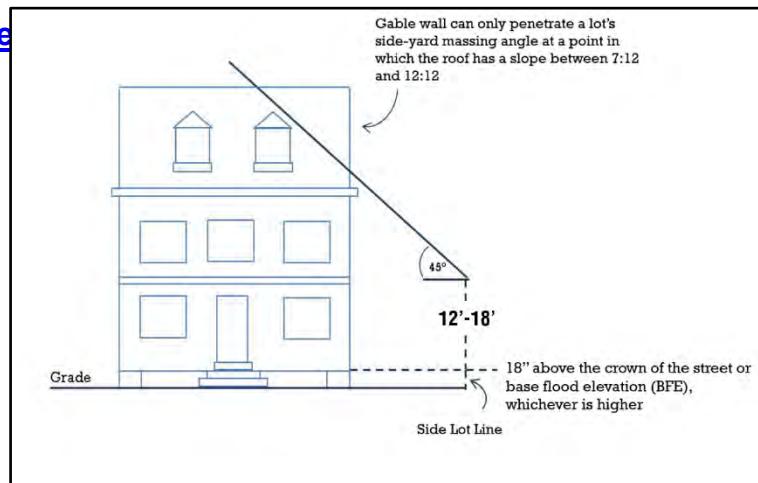
- a. Minor or incidental projections, as determined by the Planning Director, may penetrate. Projections shall include, but not be limited to:
 1. Chimneys;
 2. Ornamental vents; and
 3. Dormers, provided that the sum of the widths of all dormers on a façade is less than thirty (30) percent of that building façade (Figure 33-3.65.4-5).

- b.** Gable walls may penetrate the lot's side-yard massing angle only at a point at which the roof has a slope between 7:12 and 12:12 ([Figure 33-3.65.4-6](#)).

[**Figure 33-3.65.4-5: Threshold for Incidental Dormers Illustration.**](#)



[**Figure**](#) [**33-3.65.4-5: Threshold for Incidental Dormers Illustration.**](#)



(e) Height. Sec. 40-737 Exceptions to height requirements shall apply.

Sec. 33-3.65.5. Development standards.

See underlying zoning district, except that the following sections shall apply.

Sec. 33-3.65.5.1. Building design.

(a) Purpose.

- (1) Building design standards aim to recognize, preserve, and protect the character of the district, and encourage a variety of architectural styles.**
- (2) These standards are not intended to restrict creativity, innovation, or variety, but rather to promote design solutions that enhance the visual appearance and property values of the OMNCD.**

(b) Architectural principles.

- (1) Residential development shall be sensitive to the regional context, including climate, materials, methods, styles, and traditions.**
- (2) New construction shall contribute to the character of the OMNCD and create an environment related to human scale through quality architectural and site design.**
- (3) A building shall maintain architectural proportions and detailing appropriate to its style.**
- (4) Development shall be visually compatible and, in general, conform with the proportions and mass of surrounding structures, including properties located on the same block, on both sides of the street and subject property, and excluding those properties located in a different zoning district.**

(c) Exterior materials.

- (1) Sec. 40-46 shall apply, except that exterior materials shall be consistent with the architectural style of the proposed building and:**
 - a. Synthetic stucco shall be allowed only as an accent material for architectural details and shall not be used as a main finish material; and**
 - b. Vinyl siding is prohibited.**
- (2) The style and quality of windows, doors, trims, and moldings shall be similar on all exterior elevations.**
- (3) New finish materials for additions or repairs of significant structures shall match the materials, style, and roof pitch of the existing structure.**
- (4) Piers, pilings, posts, or columns used as design elements shall be finished with architecturally finished wood or masonry including cement finish stucco, natural cement finish, brick, stone, or similar materials.**

(d) Entrances.

- (1) All principal buildings shall have an entrance from the front street elevation.**
- (2) The primary entrance of any principal building visible from the street shall be oriented toward the street.**

(e) Openings. For principal buildings, a minimum of fifteen (15) percent of the area of any street-facing façade visible from the street shall be comprised of windows and doors.

(f) Roof features and equipment.

- (1) Roof-mounted mechanical equipment shall be screened from view from the street right-of-way. Required screening shall not exceed the maximum building height ; and**
- (2) Additional development standards for roof features and equipment are provided in Table 33-3.65.5.1-1.**

(g) Functionality. Architectural elements, including windows, shutters, and chimneys, shall either be functional or appear to be functional.

(h) Elevated dwellings. To promote architecture that is in harmony with the character of the district and to mitigate any negative impacts, the following criteria shall apply to the raising of existing principal buildings or to elevated new construction:

- (1) The exterior facades below the top of the floor of the lowest livable area shall**

be architecturally finished to most closely resemble or complement the exterior finish of the facade of the livable area above. Examples of architectural finishes include, but are not limited to, decorative brickwork, lattice, wood, Hardiplank, natural cement finish, or cement finish stucco.

- (2) Dwellings with the top of the floor of the lowest livable area elevated three (3) feet or less above grade may leave the facade beneath the livable area open.
 - (3) The location and spacing of piers, pilings, posts, or columns shall be positioned to reflect the location and spacing of existing architectural treatments, where structurally possible.
 - (4) If the area beneath the floor of the lowest livable area is not filled with soil, built as a solid slab foundation, or built as a crawl space, this area shall be used only for the parking of vehicles, storage, or building access.
 - (5) Buildings, including accessory buildings, shall be raised or elevated within the boundary of the footprint of the structure.
 - (6) To mitigate potential adverse effect of increased mass associated with raised dwellings that utilize the height exception permitted in Sec. 40-737
Exceptions to height requirements of this Code:
 - a. Landscaping shall be located in the front yard adjacent to the raised structure; and
 - b. One (1) tree shall be planted in the front yard in accordance with the landscaping requirements of this district; however, if the applicant is required to plant a replacement tree(s) per the tree preservation requirements of this district, one (1) replacement tree may be planted in the front yard to satisfy this requirement.
- (i) **Addition to an existing structure.** Any addition to a structure shall preserve the following features:
- (1) Existing symmetry or asymmetry;
 - (2) Roof style and pitch compatible with the existing structure;
 - (3) The vertical or horizontal proportion of the building mass of the structure;
 - (4) Openness of porches. Solid walls shall not be added surrounding porches where none existed. Enclosure of porches shall maintain the sense of transparency and separation from the structure of the house;
 - (5) Decks, if painted or stained, shall match the existing structure. Railings, if installed, shall continue the line and spacing of existing balustrades; and
 - (6) New garages and carports shall relate architecturally to the existing, principal structure.
- (ii) **Demolition of a principal structure.**
- (1) Any demolition of an entire principal structure shall be evaluated according to the following criteria:
 - a. The current condition of the structure;
 - b. The reason for the demolition request;
 - c. The architectural or historical significance of the structure for structures shown on the 1966 Sanborn Maps;
 - d. The neighborhood context of the structure and the overall effect demolition will have on properties located on both sides of the

- property and of the street within the same block; and

e. The proposed length of time the site is anticipated to remain undeveloped if demolition is granted.

(2) The property owner is responsible for the maintenance of the property prior to, during, and post-demolition in accordance with Chapter 8 and 19 of this Code and any other Parish laws.

(3) Temporary fencing is permitted in accordance with Sec. 33-3.65.5.2.

Table 33-3.65.5.1-1: Development Standards-Roof Features and Equipment.

<u>Features</u>	<u>Sloped Roofs</u>	<u>Flat Roofs</u>
<u>Balustrades and other decorative railings with an open design</u>	<u>Not applicable</u>	<u>May exceed the maximum building height only as high as needed to meet requirements of applicable building codes</u>
<u>Chimneys</u>	<u>Shall be no taller than minimum required by the residential building code for the termination of chimneys when located above the ridge of the largest portion of the roof</u>	<u>Shall be no taller than the minimum required by the applicable building codes for the termination of chimneys</u>
<u>Equipment*</u>		
<u>Air conditioning units</u>	<u>With required platform and rails, shall be located below the midpoint of the roof</u>	<u>May exceed the maximum building height, but shall be set back from the edge of the roof a minimum of one (1) foot for each one (1) foot of equipment height</u>
<u>Solar panels and vents</u>	<u>Shall project from the roof only as high as required by applicable building codes</u>	
<u>Decorative elements*</u>		
<u>Nonstructural*, including finials and weathervanes</u>	<u>If determined by the Planning Director to be incidental, shall not be included in the overall height measurement of a structure</u>	
<u>Structural*, including domes, turrets, and cupolas</u>	<u>Shall not extend higher than the ridge height of the largest portion of the roof</u>	<u>Shall not exceed the maximum height allowed for the principal structure</u>
* Including but not limited to		

Sec. 33-3.65.5.2. Site design.

(a) Fences.

- (1) General. Sec. 40-743.5. Regulations for fences of this Code shall apply.
- (2) Temporary Fencing. Temporary fencing surrounding lots or development sites under construction, demolition, or while vacant shall be permitted; however, the following regulations shall apply:
 - a. Chain link fencing is allowed to surround lots or development sites only

while under construction or demolition and shall be exempt from limitations on front and corner side yard fences.

- b. Construction fencing must be removed after construction is finished or one (1) month after the building permit is no longer valid, whichever is sooner.
- c. Chain link fencing may secure a vacant lot in the OMNCD with the following criteria:
 - 1. OMC review is required.
 - 2. The fencing shall not be closer to the street than the nearest front building line of the abutting lots, or the required front yard setback in situations where both abutting lots are vacant.
 - 3. Time limits for security fencing may be established by the OMC when the request receives a recommendation of approval.
- d. Tree protection fencing, as required by the tree preservation requirements of this district, shall be removed within one (1) month after demolition is completed; however, if less than six (6) months exist between demolition and scheduled construction, the tree protection fencing may remain.

(b) Fill.

Notwithstanding the tree preservation provisions of this district, portions of the lot or development site may be filled and existing grade may be minimally altered to clear or level the ground and to provide adequate drainage as required by Chapter 8 Buildings and Building Regulations.

Sec. 33-3.65.5.3. Greenspace.

(a) Purpose.

- (1) The OMNCD recognizes the critical contribution of the vast number of large trees and the tree canopy to the character of the district.
 - (2) The OMNCD aims to preserve the massive trees and the canopy established on the Parish median of Northline Street, which forms a dramatic gateway into the heart of the OMNCD and distinguishes the architecture of the surrounding residential development.
- (b) All development shall comply with the tree preservation regulations of Article X.5 Metairie Ridge Tree Preservation District (MRTPD) of this Code, except for the following:
- (1) Tree preservation or tree removal as part of development activity under the purview of the OMC or the Planning Director:
 - a. Tree preservation or tree removal associated with applications subject to OMC review for construction or new development, alteration, or addition within the district shall be submitted with an OMNCD application to the Planning Department, which shall be the repository for these application materials, rather than the Department of Inspection and Code Enforcement;
 - b. The review and approval process for tree preservation or tree removal shall follow standard OMNCD procedures, except that tree removal only in the OMNCD shall follow the procedures outlined in Sec. 40-181; and

- c. The uncontested tree removal area regulations of Sec. 40-180(d) shall not apply.
- (2) Payments in lieu of on-site tree replacement shall be paid to the Department of Parkway and shall be placed in a special account dedicated to the planting or maintenance of trees on public property within the OMNCD, with second priority given to the MRTPD, and third priority given to Council District Five (5). Payments shall be paid prior to the OMC forwarding its recommendation to the Jefferson Parish Council.

- (c) At least twenty (20) percent of the required front or corner side yard shall be comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees, and shall be provided between the property line and the dwelling or paved area(s).

Sec. 33-3.65.5.4. Parking, loading, and clear vision.

The standards of the underlying zoning district shall apply.

Sec. 33-3.65.5. Signs.

The standards of the underlying zoning district shall apply.

Sec. 33-3.65.6. Adequate public facilities.

The standards of the underlying zoning district shall apply.

Sec. 33-3.65.7. Development review.

Sec. 33-3.65.7.1. Review criteria.

The Planning Director and the OMC shall evaluate proposals on the of their conformance to the standards of this section and other applicable requirements of this Code. In determining its recommendation, the Planning Director and the OMC, shall consider whether the proposed development (s):

- (a) Supports the purpose of the OMNCD district and is consistent with the Comprehensive Plan;
- (b) Compatible and, in general, conforms with the proportions and mass of surrounding structures, including properties located on the same block, on both sides of the street and subject property, and excluding those properties located in a different zoning district.
- (c) Will benefit the public health, safety and general welfare.

Sec. 33-3.65.7.2. Levels of review.

- (a) OMC.

(1) Site plan review is required in accordance with the procedures of this UDC provided in Sec. 33-2.25 Site plan.

(2) The OMC shall review and make a recommendation on the following development activities:

- a. New construction.
- b. Additions and alterations, except those under the purview of the Planning Director.
- c. The elevation of an existing principal building more than three (3) feet in height.
- d. Fences located in the front or corner side yard.
- e. Temporary chain link fencing.

- f. Any development proposal that does not meet the standards of the OMNCD or requires a BZA variance.
- g. Any development activities that require a Parish permit or involve adjustments to lot grade, such as filling or cutting soil, except activities under the purview of the Planning Director or ICE Director.
- h. Any amendment to an approved site plan, except amendments under the purview of the Planning Director.
- i. Any development proposal that the Planning Director determines requires OMC review or may not support the purposes of the OMNCD.

(b) Planning Director.

(1) Site plan review is required in accordance with the procedures of this UDC provided in Sec. 33-2.25 Site plan.

- a. **Development activities.** The Planning Director may approve the following development activities:
 - 1. **Principal structures.** The following additions and alterations, provided that only one (1) of each type may be ministerially approved every five (5) consecutive years:
 - i. An addition to the principal structure that does not exceed ten (10) percent of the gross floor area of the principal structure, excluding elevator stairwells, elevator shafts, and roofed porches having less than three (3) walls:
 - (1) An alteration of up to twenty-five (25) percent of the area of the roof, calculated as the square footage of roof in plain view (accumulated length multiplied by width, disregarding roof pitch) multiplied by 1.12 = roof area;
 - ii. An alteration to the:
 - A. Front or side facade, provided that the alteration is limited to twenty-five (25) percent per façade; and
 - B. Rear façade;
 - iii. The elevation of an existing principal building three (3) feet or less in height; or
 - iv. A change in exterior material(s)
 - v. Demolition.
 - A. Exterior demolition of up to twenty-five (25) percent of any principal structure; or
 - B. Exterior demolition of a principal structure that is not shown on the 1966 Sanborn Maps; however, if the structure is shown on the 1966 Sanborn Maps, it shall be reviewed by the OMC.
 - 2. **Accessory structures.** Any addition or alteration to an accessory structure provided all tree preservation requirements are met.
 - 3. **Paving.** Any paving that meets the lot coverage requirements provided in Sec. 33-3.65.4 (c) Lot coverage to ensure compliance.

b. **Minor amendments.** The Planning Director may approve the following minor amendments to approved site plans:

- 1. A minor development activity listed in subsection a above and approved ministerially by the Planning Director;

2. Change in the orientation of portions of driveways or parking areas as long as the effectiveness of the overall site circulation and parking is maintained, no net increases in impervious surface occurs, the number of parking spaces shall not be reduced below the number of required parking spaces, and all tree preservation requirements are met; and
3. Change in the location of a principal structure by no more than ten (10) percent of the width or depth of the lot **or any change in the location of an accessory structure.**

(c) Director of Inspection and Code Enforcement. The Director of Inspection and Code Enforcement may approve, and Sec. 33-2.25. Site plan is not required for, the following activities:

- (1) Interior renovation, ordinary repairs, or standard maintenance;
- (2) Fences meeting all requirements, except for fences located in the front **or corner side yard;**
- (3) Demolition of accessory structures and fences; and
- (4) Mechanical equipment and swimming pools, provided the proposed location does not require a variance.

Sec. 33-3.65.7.3. Renovations and additions.

(a) Exterior renovations of existing buildings or structures, or alterations to the extent of existing parking or landscaping areas, shall result in greater compliance with the district requirements for the portion of the building, structure, or site area that is proposed to be renovated or altered, to the maximum extent practicable given the type and extent of the renovation or alteration, and the constraints of the site, as determined by the Planning Director after considering LURTC comments.

(b) For additions to existing buildings or structures, the addition shall fully comply with the provisions of the district.

Sec. 33-3.65.7.4. Subdivision procedures.

Development sites with multiple lots shall subdivide into one (1) lot or lots of record that meet the underlying zoning district lot area standards prior to the issuance of any permit by the Parish, including, but not limited to, building and demolition permits.

Sec. 33-3.65.7.5. Exceptions and variances.

(a) Legislative exceptions. As part of its site plan approval, Council may grant a legislative exception to any standard specific to the OMNCD and not to the underlying zoning, provided it is not under the purview of the BZA.

(b) Variances. After OMC review and recommendation, only the BZA may grant variances, as stipulated in Sec. 40-792 Powers of the Board.

(c) In determining its recommendation and consideration of all proposed legislative exceptions or variances, the OMC shall find that the following additional criteria are met:

- (1) The legislative exception or variance is consistent with the general provisions, intent, and purpose of the zoning district;
- (2) The legislative exception or variance is harmonious and compatible with adjacent land uses;
- (3) The legislative exception or variance is the minimum amount needed to relieve a hardship that is unique to the property.

10. Amend Chapter 33. Unified Development Code, Article 5. Supplemental Conditions, Division 1. Specific Use Standards, Sec. 33-5.3.2. Accessory buildings, structures, and uses, to clarify provisions related to accessory structures and swimming pools, and include height variance provisions previously included in Sec. 33-6.8.2.1, to read as follows:

(a) For the purpose of this section, provisions related to accessory structures shall not apply to fences.

(b) Except as otherwise provided in this Code, the following provisions shall apply:

(1) *Interior S~~s~~ide Y~~y~~ards.* No more than one (1) accessory building or structure, excluding a swimming pool, shall cover any part of a required side yard. Any accessory building, structure, or swimming pool that is not a part of the principal building may be built in a required side yard, provided that such accessory building, structure, or swimming pool is not:

- a. At least Less than sixty (60) feet from the front lot line, ~~or located in either front yard on a through lot; and~~
- b. Not less than Located at least three (3) feet from the nearest interior side lot line.

(2) *Rear yards.* Accessory buildings, structures, or swimming pools may be built in a required rear yard provided: but

- a. Excluding swimming pools, such accessory buildings shall not occupy no more than forty (40) percent of the required rear yard shall be covered by accessory buildings or structures, provided, in any case where accessory buildings are not built on the side or rear lot lines, ~~; and~~
- b. ~~i~~In residential districts, ~~such~~ accessory buildings, structures, or swimming pools shall not be located less than three (3) feet from either side or rear lot line.

(3) *Corner side yards.*

- a. On a corner lot, any minimum corner or exterior side yard setback shall apply to the accessory building. or structure.
- b. Where a lot in the rear of the corner lot fronts on the side street, no part of any accessory building on the corner lot within twenty-five (25) feet of the common lot line shall project beyond the prolongation of the front yard line of the lot in the rear, provided, however, that the limitation shall not reduce the buildable length of an accessory building to less than twenty (20) feet.

Sec. 33-6.37. Clear vision area shall apply.

- c. In the Fat City districts, accessory or support buildings and structures shall not be located any closer to the side street than the principal building.

(4) *Height.* Accessory buildings or structures allowed in a required rear or side yard shall not exceed thirteen (13) feet in height.

- (5) ~~Coverage. The combined gross area of all accessory buildings, or portions thereof, located in side and rear yards shall not exceed forty (40) percent of the required rear yard area, nor shall more than one (1) accessory building cover any part of a required side yard.~~
- (6) (5) **Location.** In the Fat City districts, accessory or support buildings and structures shall not be located on the same side of the development as residential development unless the Property buffer greenspace area in compliance with Sec. 33-6.25.4. Standards is provided.
- (7) (6) **Design.** In the Fat City districts and the CPZ-Ped overlay district, any part of an accessory or support building visible from street right-of-way that is not screened by fencing or landscaping that meets the district requirements shall be constructed of the same materials as the principal building.
- (8) (7) **Screening.** In the Fat City districts and the CPZ-Ped overlay district, any part of an accessory or support structure that is not a building that is visible from street right-of-way shall be screened by a wood, brick, or masonry fence with a minimum height of seven (7) feet, except that the following are shall not be required to be screened:
- a. Playground equipment accessory to permitted uses; or
 - b. Structures used for drive-up service (e.g. gas pumps, vacuum stations, ATMs).
- (9) (8) An accessory building or structure may be attached to a dwelling provided that:
- a. The connection or attachment shall not be less than six (6) feet in width; and
 - b. The connection or attachment shall be made by a common wall, an extension of the main roof designed as an integral part of the building, or other substantial attachment or connection as determined by the department of inspection and code enforcement.
 - c. For setback purposes, an attached accessory building shall be considered part of the principal structure, and therefore shall meet the area requirements of the underlying zoning district, except that Sec. 40-738 (e) shall apply, when applicable.
- (10) (9) **Private garages.** The following regulations shall apply to all private garages accessory to single-, two-, three-, four-family dwellings, including manufactured homes and townhouses and shall supersede any conflicting regulations applicable to accessory structures:
- a. **Location.**
 1. Attached garages shall comply with the side yard setback requirements of the principal structure and shall not be closer to the rear lot line than the side yard setback of the principal structure;
 2. If located in front of the principal structure, a detached garage shall comply with the side yard setback requirements of the principal structure and shall not be less than sixty (60) feet from the front lot line.
 - b. **Garage doors.**
 1. Garage doors shall not exceed ten (10) feet in height, except when

- modified to accommodate existing one- or two-family dwellings, including townhouses, elevated to reduce potential flood damage;
2. Garage doors on street-facing attached garages shall not comprise more than fifty (50) percent of the total width of the street-facing principal structure façade;
 3. The portion of the garage doors viewable from the street on street-facing detached garages shall not comprise more than fifty (50) percent of the total combined width of the facades of the principal structure and portion of street-facing garage structure viewable from the street;
 4. On corner lots, only the front street-facing garage door shall comply with subsections (b) 2 and (c) 3.
- c.** Variance. In accordance with Article XLII, Board of Zoning Adjustments in Chapter 40, Zoning of this Code, the Board of Zoning Adjustments may grant a variance to the height of a private garage subject to the following criteria:
1. The entire structure shall be set back from the side and rear lot lines an additional one (1) foot for every additional one (1) foot or fraction thereof in height over thirteen (13) feet, but shall not exceed the minimum side or rear yard setback requirement of the principal structure and in no case shall exceed nineteen (19) feet in height in a required yard; and
 2. The garage shall not contain a second or higher floor used as a place of habitation or a living room, kitchen, dining room, parlor, bedroom, or library.

11. Amend Chapter 33. Unified Development Code, Article 3. General Development Standards, Division 2. Design Standards, Sec. 33-6.6.1(e) *Lots generally*, to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

(e) *Variation in front yard.* Except as permitted elsewhere in this Code, ~~W~~here the average depth of existing front yards on lots improved with buildings located within one hundred (100) feet of either side of such lot, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same block and zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the of the existing yards. The front yard setbacks of the properties within one hundred (100) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .

12. Amend Chapter 33. Unified Development Code, Article 6. General Development Standards, Division 2. Design Standards, Sec. 33-6.7.2. *Measurement*, to replace the reference to Sec. 40-3 with building height measurement provisions, to read

as follows:

Sec. 33-6.7.2. - Measurement.

Building height shall be measured as provided in Sec. 40-3 Definitions for Building, height of in Chapter 40 Zoning of this Code in a straight vertical line from a point near the ground to a point on the roof as provided in this section. See Sec. 33-10.2 for roof definitions and illustrations that pertain to measurement.

(1) Point near the ground. The point near the ground shall be at the following elevation:

a. In the OMNCD:

- 1. Where a portion of a building or structure is located in a flood zone, eighteen (18) inches above the crown of the street or Base Flood Elevation (BFE), as defined in Chapter 14 Flood Damage Prevention Ordinance of this Code, whichever is higher; or**
- 2. Where no BFE exists, eighteen (18) inches above the crown of the street.**

b. In all other zoning districts, the average elevation of the grade at the front of the building.

(2) Point on the roof. The point on the roof shall be the following measurement:

- a. For gable, gambrel, and hip roofs: the mean height between the top of the eave and top of ridge;**
- b. For flat roofs: the highest point;**
- c. For roofs which combine pitched and flat components: if the flat roof portion that is flat is less than twenty-five (25) percent of the floor area directly below, from the midpoint between the imaginary point of intersection (of the extended pitches) and the top of the eaves;**
- d. For mansard roofs: the highest point of the deck line or ridge.**

13. Amend Chapter 33. Unified Development, Article 6. Development Standards, Division 2. Design Standards, Sec. 33-6.8.2. *Single-, two-, three-, and four-family dwellings*, to delete duplicated provisions for private garages and update subsequent subsections, to read as follows:

Sec. 33-6.8.2. Single-, two-, three-, and four-family dwellings.

Unless otherwise specified, this section shall apply to single-family, two-family, three-family, and four-family dwellings.

Sec. 33-6.8.2.1. Private garages.

The following regulations shall apply to all private garages accessory to single-, two-, three-, and four family dwellings, including manufactured homes and townhouses and shall supersede any conflicting regulations applicable to accessory structures.

(1) Location.

- (a) Attached garages shall comply with the side yard setback requirements of the principal structure and shall not be closer to the rear lot line than the side yard setback of the principal structure.

(b) If located in front of the principal structure, a detached garage shall comply with the side yard setback requirements of the principal structure and shall not be less than sixty (60) feet from the front lot line.

(2) Garage doors:

1. Garage doors shall not exceed ten (10) feet in height, except when modified to accommodate existing one- or two-family dwellings, including townhouses, elevated to reduce potential flood damage.
2. Garage doors on street facing attached garages shall not comprise more than fifty (50) percent of the total width of the street facing principal structure façade.
3. The portion of garage doors viewable from the street on street facing detached garages shall not comprise more than fifty (50) percent of the total combined width of the facades of the principal structure and portion of street-facing garage structure viewable from the street.
4. On corner lots, only the front street facing garage door shall comply with subsections (b) and (c).

(3) Variance. In accordance with Article XLII, Board of Zoning Adjustments in Chapter 40, Zoning of this Code, the Board of Zoning Adjustments may grant a variance to the height of a private garage subject to the following criteria:

- a. The entire structure shall be set back from the side and rear lot lines an additional one (1) foot for every additional one (1) foot or fraction thereof in height over thirteen (13) feet, but shall not exceed the minimum side or rear yard setback requirement of the principal structure and in no case shall exceed nineteen (19) feet in height in a required yard; and
- b. The garage shall not contain a second or higher floor used as a place of habitation or a living room, kitchen, dining room, parlor, bedroom, or library.

14. Amend Chapter 33. Unified Development Code, Article 10. Definitions, Sec. 33-10.2. *Definitions applicable to this entire UDC*, to transfer and add definitions from Chapter 40 to Chapter 33, and establish new definitions, to read as follows:

* * *

Accessory building or use shall mean a building, structure, or that is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose, to the principal building or principal use served; contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use served; is located on the same lot, under the same ownership, and in the same zoning district as the principal building or principal use served; and is not used for a place of habitation or a living room, kitchen, dining room, parlor, bedroom or library.

* * *

Building, coverage (footprint) shall mean the horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

* * *

Construction shall mean the erection of any improvements to a site on any parcel of ground or on a landmark site, whether the site is currently improved, unimproved, or thereafter becomes unimproved by demolition, demolition by neglect, destruction of improvements by fire, windstorm or other natural casualty, or otherwise.

* * *

Lot, coverage shall mean the percent of the total lot or portion of a lot covered by buildings and impervious surfaces, such as houses, sheds, gazebos, other types of structures, driveways, parking lots, and covered patios.

* * *

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.

* * *

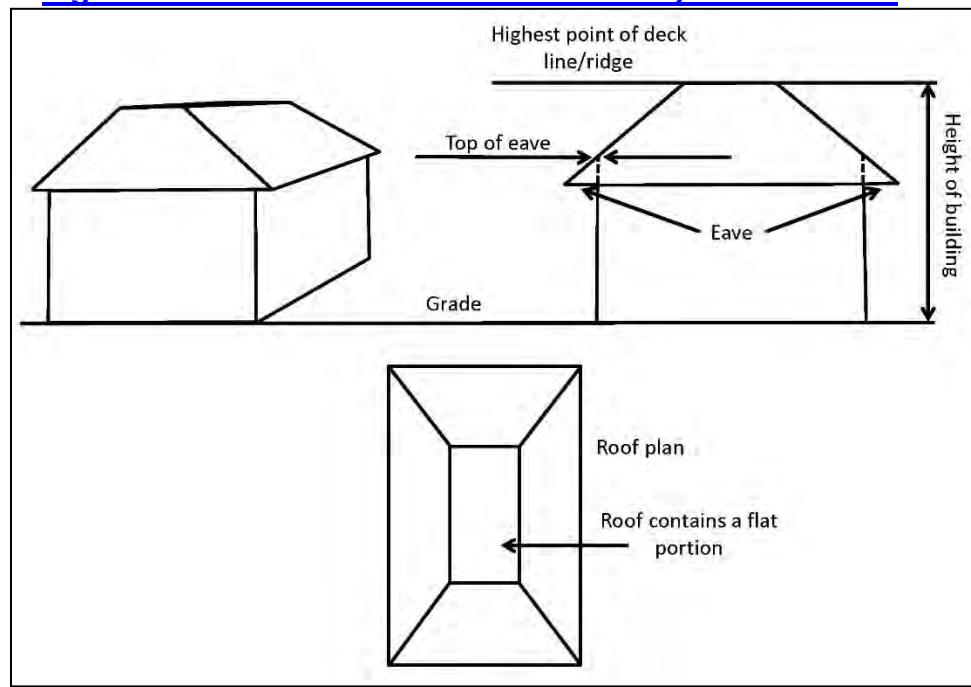
Ordinary repairs and standard maintenance shall mean work done to prevent or stop deterioration, decay or damage, or to replace a part of the building with the intent of restoring the structure as nearly as practical to the condition prior to such deterioration, decay or damage.

* * *

Roof definitions:

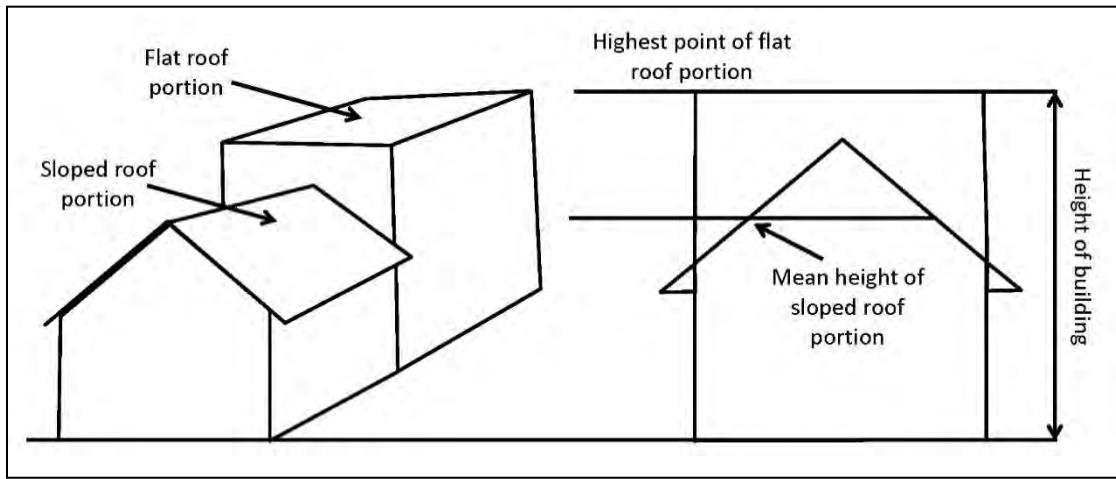
A. Combined pitch roof style shall mean a roof that covers a contiguous floor area and utilizes both a flat and pitched roof portion in a unified design. See Figure 33-10.2-1.

Figure 33-10.2-1: Combined Pitch Roof Style Illustration.



B. Combination of roof styles shall mean a building that utilizes multiple aesthetically separate and distinct roof styles covering different segments of the building. See Figure 33-10.2-2.

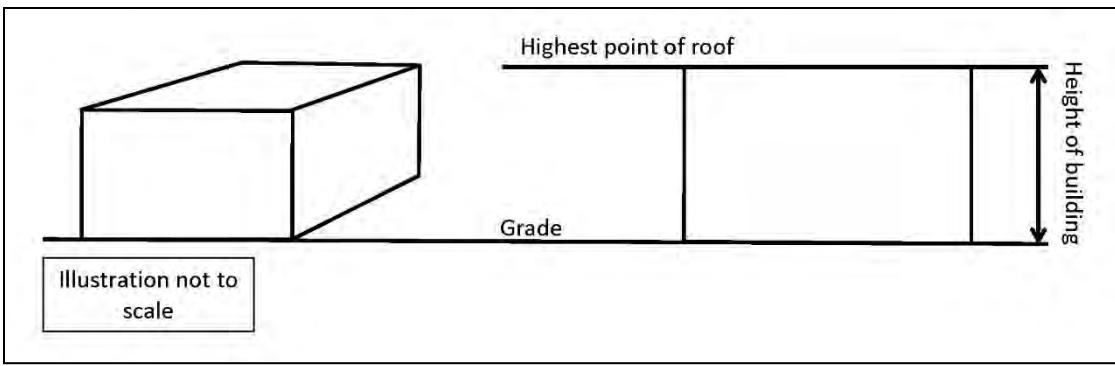
Figure 33-10.2-2: Combination of Roof Styles Illustration.



C. Eave shall mean that portion of the roof which projects past the plane of the exterior wall.

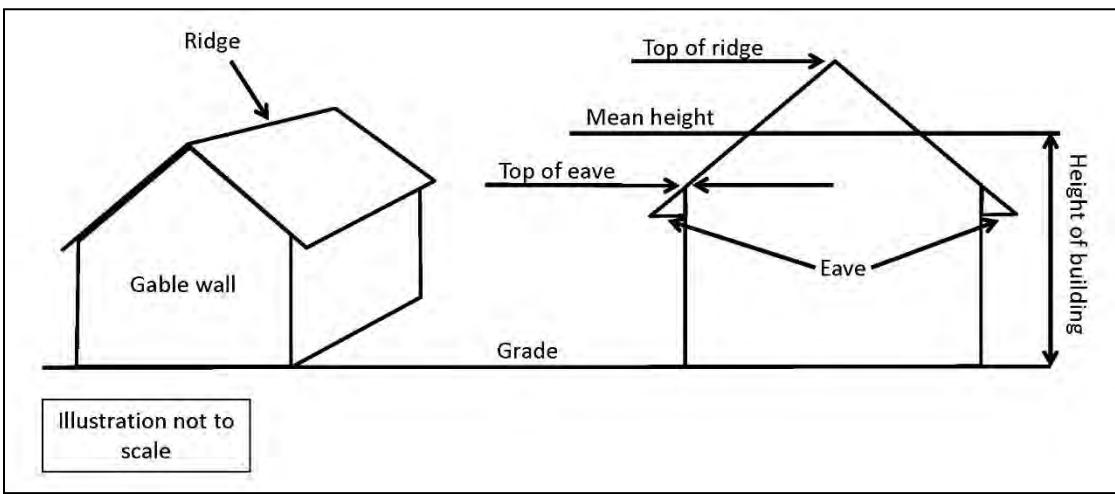
D. Flat roof shall mean a roof that has a pitch of less than three (3) inches per foot. See Figure 33-10.2-3.

Figure 33-10.2-3 Flat Roof Illustration.



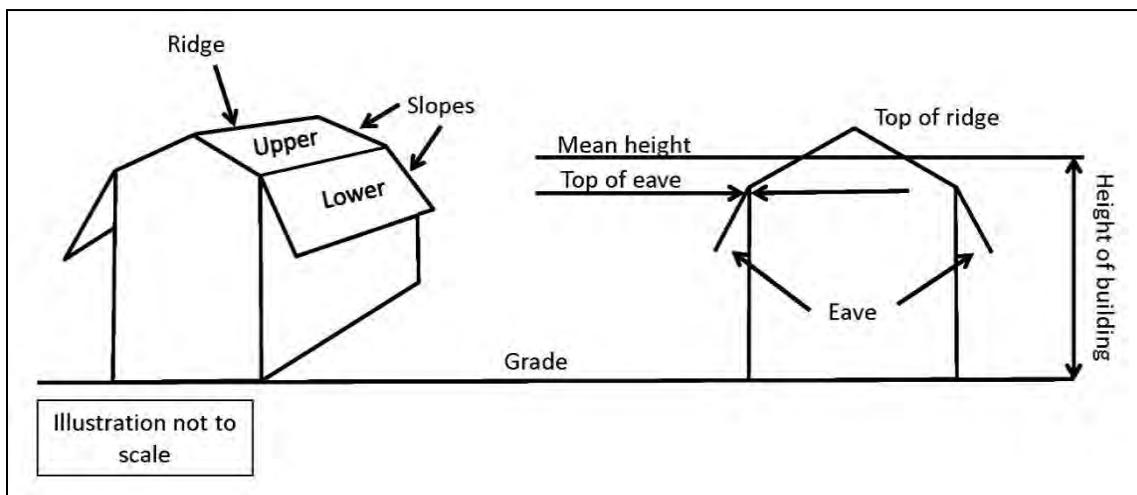
E. Gable roof shall mean a roof which slopes from both sides of a ridge forming a gable wall at each end. See Figure 33-10.2-4.

[Figure 33-10.2-4: Gable Roof Illustration.](#)



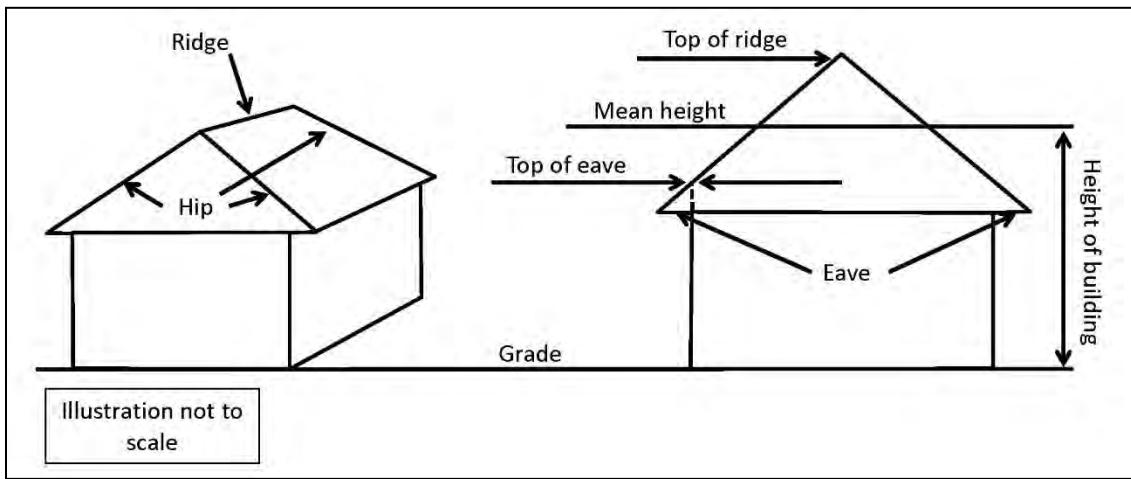
F. Gambrel roof shall mean a gable roof with two (2) slopes on each of two (2) sides, the lower slope steeper than the upper slope and the upper slope having a pitch greater than three (3) inches per foot. See Figure 33-10.2-5.

[Figure 33-10.2-5: Gambrel Roof Illustration.](#)



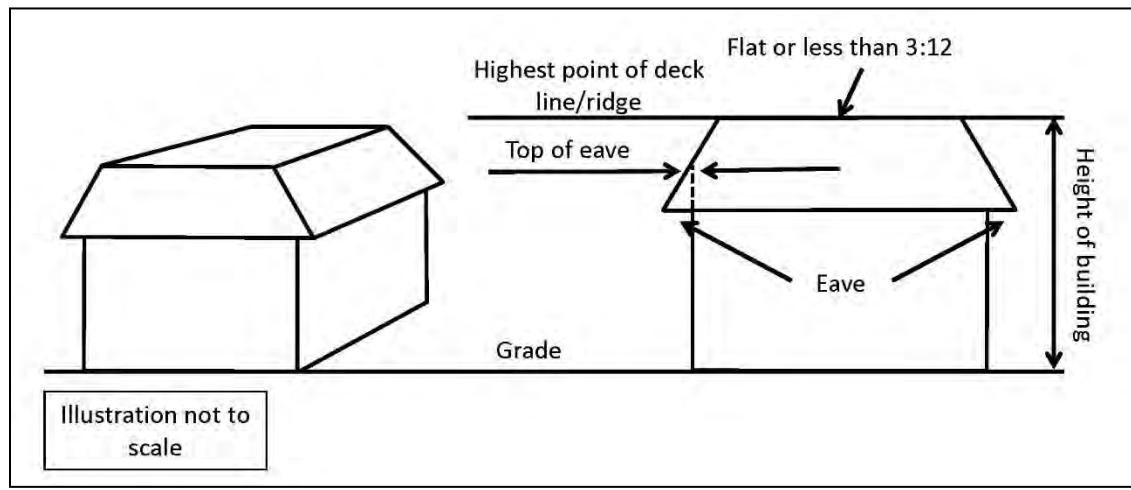
G. Hip roof shall mean a roof with slope on all sides. See Figure 33-10.2-6.

Figure 33-10.2-6: Hip Roof Illustration.



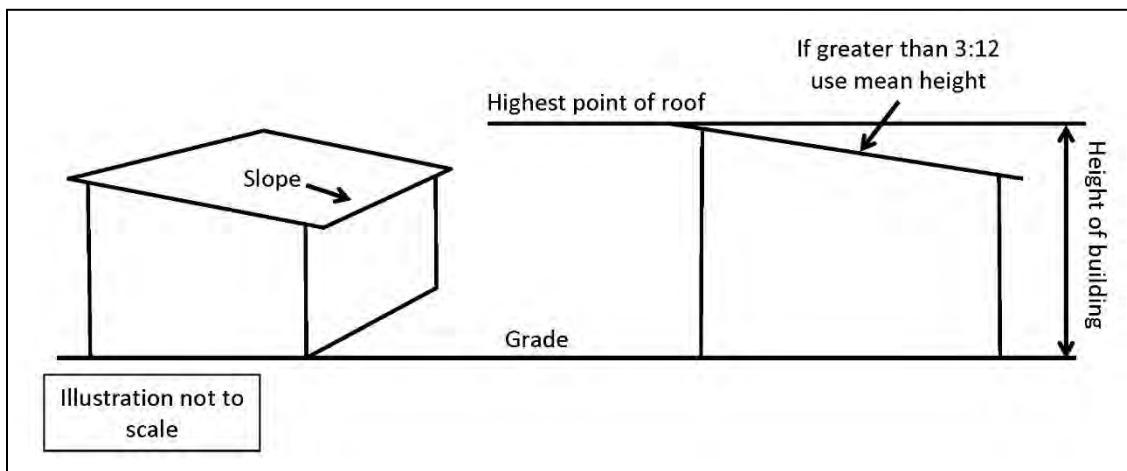
H. Mansard roof shall mean a roof with two (2) slopes on each of the four (4) sides, the lower slope steeper than the upper slope and the upper slope having a pitch less than three (3) inches per foot. The portion of the roof sloping downward from the deck line or ridge may enclose an attic or upper floor and may be penetrated by dormers. See Figure 33-10.2-7.

Figure 33-10.2-7: Mansard Roof Illustration.



I. Shed roof/lean to shall mean a roof with a single slope. See Figure 33-10.2-8.

Figure 33-10.2-8: Shed/Lean Roof Illustration.



* * *

15. Amend Chapter 33. Unified Development Code, Article 10. Definitions, Sec. 33-10.3. *Definitions applicable to specific sections of this UDC*, to add a new section, Sec. 33-10.3.2. *Old Metairie Neighborhood Conservation District (OMNCD)*, and populate with definitions applicable to the district, to read as follows:

Sec. 33-10.3. Definitions applicable to specific sections of this UDC.

* * *

Sec. 33-10.3.2. Old Metairie Neighborhood Conservation District (OMNCD).

Demolition shall mean the complete removal of a structure from a site within the Old Metairie Neighborhood Conservation District.

Demolition by neglect shall mean neglect in the maintenance or deterioration of any structure within the Old Metairie Neighborhood Conservation District characterized by any of the following conditions:

- A.** Structures with attached parts subject to fall, resulting in injury to persons or property;
- B.** Deteriorated or inadequate foundation;
- C.** Defective or deteriorated floor supports, or floor supports insufficient to carry imposed loads with safety;
- D.** Members of walls or other vertical supports that split, lean or buckle due to defective material or deterioration, or members of walls or vertical supports insufficient to carry imposed loads with safety and;
- E.** Any deterioration of a structure to the extent that it creates or permits a hazardous or unsafe condition as determined by the department of inspection and code enforcement.

Elevated building shall mean a building that has no basement and has its lowest elevated floor raised above the ground by foundation walls, shear walls, posts, piers, pilings.

Landmark shall mean a parcel with improvements of particular historic, architectural or cultural significance within the Old Metairie Neighborhood Conservation District that meets any of the following conditions:

- A.** Exemplifies the broad cultural, political, economic or social history of the community, state or nation;
- B.** Identifies with historic persons or important events in the local, state or national history;
- C.** Embodies distinguishing characteristics of an architectural type valuable for a study of a period, style, method of construction, or indigenous materials or craftsmanship and;
- D.** Represents notable work of a master builder, designer or architect whose individual ability has been recognized.

Livable area shall mean any space within a building that is used for living purposes including working, sleeping, eating, cooking, or recreation, or a combination thereof and may include any combination of habitable and non-habitable rooms as defined by the minimum housing standards of the Jefferson Parish Building Code. Areas used only for storage purposes or vehicle storage are not considered livable area.

Massing Angle, Facade shall mean the forty-five (45) degree angle measured from eighteen (18) inches above the crown of the street or base flood elevation (BFE), as defined in Chapter 14 Flood Damage Prevention Ordinance of this Code, whichever is higher, from the front lot line toward the structure on the lot.

Massing Angle, Side-Yard shall mean the forty-five (45) degree angle measured at varying heights above eighteen (18) inches above the crown of the street or base flood elevation (BFE), as defined in Chapter 14 Flood Damage Prevention Ordinance of this Code, whichever is higher.

16. Amend Chapter 40. Zoning, Article I. In General, Sec. 40-3. *Definitions*, to amend the *building height* definition, and add *building coverage (footprint)*, and *lot coverage*, to read as follows:

* * *

Building, coverage (footprint) shall mean the horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

Building height shall refer to buildings or structures, except as otherwise defined in **mean the vertical measurement of a building or structure as provided in Sec. 33-6.7.2. Measurement**, 40-169. Definitions. of Article X. Old Metairie Neighborhood Conservation District (OMNCD), and shall mean the vertical distance measured from the average elevation of the grade at the front of the building to the following points:

- (1) For gable, gambrel, and hip roofs: to the mean height between the top of the eave and top of ridge;
- (2) For flat roofs: to the highest point;
- (3) For roofs which combine pitched and flat components: if the roof portion that is flat is less than twenty-five (25) percent of the floor area directly below, the measurement shall be taken from the midpoint between the imaginary point of intersection (of the extended pitches) and the top of the eaves;
- (4) For mansard roofs: to the highest point of the deck line or ridge.
- (5) See terms defined and depicted in the definition of *Roof*.

* * *

Lot, coverage shall mean the percent of the total lot or portion of a lot covered by buildings and impervious surfaces, such as houses, sheds, gazebos, other types of structures, driveways, parking lots, and covered patios.

* * *

17. Amend Chapter 40. Zoning, Article II. District and Land Use Regulations, Sec. 40-33. *Overlay zoning districts*, to replace the existing reference to the OMNCD in Chapter 40 with a new reference to the OMNCD section in Chapter 33 and modify reference to the FOD, to read as follows:

The following overlay zoning districts are established for unincorporated Jefferson Parish. These districts impose additional requirements on certain properties within one or more underlying base zoning districts.

* * *

- (3) OMNCD Old Metairie Neighborhood Conservation District is an overlay zoning district with boundaries defined within Sec. 33-3.65. Article X—Old Metairie Neighborhood Conservation District of this chapter Code.

* * *

- (5) FOD Fairfield Overlay District is an overlay district with boundaries defined within Chapter 33 Unified Development Code, Article 3 Zoning, Sec. 33-3.69. Fairfield Overlay District (FOD) of this Code.

* * *

18. Amend Chapter 40. Zoning, Secs. 40-64. (B-1) and 40-94. (R-1A) *Area regulations*, subsection (a) *Yard*, subsection (1) *Front yard*, to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

- a. There shall be a front yard having a depth of not less than twenty (20) feet. provided, however, that where the average depth of existing front yards on lots improved with buildings located within one hundred (100) feet of either side of such lot, is less than the minimum required front yard, the front yard on such lot may be the average of

~~the existing front yards, however, no front yard shall be less than ten (10) feet. Where the average front yard of lots improved with buildings within one hundred (100) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the of the existing yards; however no front yard shall be less than ten (10) feet. The front yard setbacks of the properties within one hundred (100) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .~~

- b. On through lots, the required front yard shall be provided on both streets.

19. Amend Chapter 40. Zoning, Article V. Suburban District S-1, Sec. 40-81. *Exceptions*, to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

~~If the front yard requirements for a new development do not match the front yard setbacks for existing developments within an established neighborhood, such new development shall be allowed to match the front yard setbacks of existing development within three hundred (300) feet on both sides of the development within the same zoning district. The average of the front yard setbacks shall be taken to determine the appropriate front yard setback for the new development. Where the average front yard of lots improved with buildings within three hundred (300) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the of the existing yards. The front yard setbacks of the properties within three hundred (300) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .~~

20. Amend Chapter 40. Zoning, Secs. 40-113. (R-1B), 40-133. (R-1C), and Sec. 40-153. (R-1D) *Exceptions*, to clarify procedures for handling exceptions to front yard setback requirements and numbers to separate provisions, to read as follows:

~~If the front yard requirements for a new development do not match the front yard setbacks for existing developments within an established neighborhood, such new development shall be allowed to match the front yard setbacks of existing development within three hundred (300) feet on both sides of the development within the same zoning district. The average of the front yard setbacks shall be taken to determine the appropriate front yard setback for the new development.~~

- (a) Where the average front yard of lots improved with buildings within three hundred (300) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard,

the front yard on the subject property may be the average of the of the existing yards. The front yard setbacks of the properties within three hundred (300) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .

- (b)** An established residential site may be restored after destruction by Act of God, war, or other local catastrophe if so destroyed by seventy-five (75) percent or more of its value as determined by the Assessor of this Parish for tax purposes, and only if a permit to restore the residence is secured within one (1) year of the date of destruction.
- (c)** Where a residential site has an area or frontage less than the minimum requirements for the smallest Single-Family Residential District, R-1A, such site may be used only for single-family residential purposes or for any non-residential purposes permitted in accordance with the provisions of Article XXXIX.
- (d)** For the purpose of this section, the term "residential site" means (a) a single lot, tract, or parcel of land or (b) two (2) or more adjoining lots, under single ownership with continuous frontage, and which site is in separate ownership from adjacent property at the time of passage of the ordinance which enacts this district.

21. Amend Chapter 40. Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), to delete the content and reserve the article and sections, to read as follows:

**ARTICLE X. OLD METAIRIE NEIGHBORHOOD
CONSERVATION DISTRICT (OMNCD) (RESERVED)**

Secs. 40-166-40-174. Reserved.

[Chapter 40 Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), is deleted but not shown in strike-through]

22. Amend Chapter 40. Zoning, Article X.5 Metairie Ridge Tree Preservation District (MRTPD), Sec. 40-178. Definitions, to specify construction related to swimming pools in the definitions of *minor* and *major construction*, to read as follows:

* * *

Construction activities shall mean any type of activity that could have a detrimental effect on any trees existing on the site or abutting the site, including but not limited to, construction of accessory buildings, addition to any structure, any fence permit, removal of a tree, clearing or filling of lot, demolition of any structure, new structure, paving of a driveway or any portion of a lot, swimming pools or spas, or trenching for utilities. Routine maintenance of trees shall not be considered a construction activity. Construction activities are further broken into two types of activity:

- (1) *Minor construction activity* shall include fences; trenching for utilities; alterations to existing swimming pools or spas; driveway paving;

- additions, alterations, demolition, and renovation less than twenty-five percent (25%) of the total square footage of the main structure; and interior renovations. Any activity that otherwise may be considered minor construction activity as defined in this article, but that necessitates the removal of a protected tree or negatively impacts the Root Protection Zone of a protected tree outside the uncontested removal area, shall be considered major construction activity for the purposes of this article.
- (2) *Major construction activity* shall include clearing or filling a lot; tree removal; new or additions to existing swimming pools or spas; paving other than driveways; total demolition or new construction; new accessory structures; additions, alterations, demolition, and renovation over twenty-five percent (25%) of the total structures.

* * *

23. Amend Chapter 40. Zoning, Secs. 40-189. (R-1MH), 40-204. (R-2), 40-239. (R-3), Area regulations, subsection (a) Yard, subsection (1) Front yard to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

- a. There shall be a front yard having a depth of not less than twenty (20) feet., provided, however, that where the average depth of existing front yards on lots improved with buildings located within one hundred (100) feet of either side of such lot and within the same block and zoning district, and fronting on the same street as such lot is less than the minimum required front yards, the front yard may be the average of the existing front yards, however, no front yard shall be less than ten (10) feet. Where the average front yard of lots improved with buildings within one hundred (100) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the of the existing yards; however no front yard shall be less than ten (10) feet. The front yard setbacks of the properties within one hundred (100) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .
- b. On through lots, the required front yard shall be provided on both streets.

* * *

24. Amend Chapter 40. Zoning, Article XIII. Three- and Four-Family Residential District (RR-3), Sec. 219. Area regulations, subsection (a) Yard, subsection (1) Front yard to allow exceptions for front yard setbacks and establish procedures, to read as follows:

- (a) Yard.

(1) Front yard.

- a. There shall be a front yard with a minimum depth of twenty-five (25) feet. Where the average front yard of lots improved with buildings within one hundred (100) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the existing yards; however no front yard shall be less than ten (10) feet. The front yard setbacks of the properties within one hundred (100) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .

- b. On through lots the required front yard shall be provided on both streets.

* * *

25. Amend Chapter 40. Zoning, Article XVI. Condominiums (R-1CO), Sec. 40-269. Area regulations, subsection (b) Yard, subsection (1) Front yard to clarify procedures for handling exceptions to front yard setback requirements, to read as follows:

- a. There shall be a front yard having a depth of not less than twenty (20) feet .provided, however, that where the average depth of existing front yards on lots improved with buildings located within one hundred (100) feet of either side of such lot, and within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required front yard, the front yard may be the average of the existing front yards, provided however that no front yard shall be less than ten (10) feet. Where the average front yard of lots improved with buildings within one hundred (100) feet, measured from the outer corners of the front property line of the subject property on both sides of the property and of the street, within the same zoning district, is less than the minimum required front yard, the front yard on the subject property may be the average of the existing yards; however no front yard shall be less than ten (10) feet. The front yard setbacks of the properties within one hundred (100) feet, as measured from the outer corners of the subject property's front property line, shall be provided by the subject property owner or applicant .

* * *

26. Amend Chapter 40. Zoning, Article XXXV. Off-Street Parking, Loading and Clear Vision Area Regulations, Sec. 40-661. General requirements, to update the section reference for provisions related to private garages, to read as follows:

* * *

- (g) Recreational Vehicles and Recreational Watercraft may be parked or stored on the sites of single-, two-, three-, or four-family dwellings including manufactured homes and townhouses, subject to the following conditions:

* * *

(5) The private garage regulations set forth in section 40-743 (g) 33-5.3.2 and the following additional criteria shall apply:

- a. Applicant shall present to the Department of Inspection and Code Enforcement a valid Louisiana motor vehicle or boat registration to demonstrate the need for exception to Sec. 40-743 (g) Sec. 33-5.3.2. (b) (10).

* * *

27. Amend Chapter 40. Zoning, Article XXXV. Off-Street Parking, Loading and Clear Vision Area Regulations, Sec. 40-665. *Clear vision area regulations*, to remove and amend the references to the OMNCD, as applicable, to read as follows:

* * *

(c) *Obstructions prohibited.*

* * *

(2) *Fences.*

* * *

- 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].

* * *

(g) *Exemptions.*

(1) Objects exempt from clear vision area regulations include:

* * *

- c. Trees protected by Article X.5 Metairie Ridge Tree Preservation District (MRTPD) or by Article X. Sec. 33-3.65. Old Metairie Neighborhood Conservation District (OMNCD).

* * *

28. Amend Chapter 40. Zoning, Article XXXIX. Exceptions and Modifications, Sec. 40-737. *Exceptions to height requirements*, to remove the reference to ABFE, to read as follows:

* * *

- (5) Existing one- and two-family dwellings, including townhouses, elevated as part of a home elevation project to reduce potential flood damage may exceed the maximum height allowed by the underlying zoning district, subject to the following conditions:

* * *

- b. *Determination of the height exception.* The Parish floodplain

manager shall determine the height exception, which shall be the minimum amount of vertical height, above the maximum height allowed by the zoning district, necessary to elevate the dwelling above the crown of the street, or the effective BFE, or FEMAs Advisory Base Flood Elevation [ABFES] adopted July 19, 2006, as applicable, and in accordance with the requirements of Chapter 14 Flood Damage Prevention of this Code.

* * *

29. Amend Chapter 40. Zoning, Article XXXIX. Exceptions and Modifications, Sec. 40-743. *Regulation of accessory buildings, structures, and uses*, to delete duplicated provisions also provided in Sec. 33-5.3.2 and the appropriate reference, to read as follows:

Sec. 33-5.3.2. Accessory buildings, structures, and uses shall apply.

Except as otherwise provided in this Chapter:

- (a) Any accessory building that is not a part of the principal building may be built in a required side yard, provided that such accessory building is not less than sixty (60) feet from the front lot line, and not less than three (3) feet from the nearest interior side lot line. On through lots an accessory building may be built in a required side yard if no part of such accessory building is less than three (3) feet from the nearest interior side lot line and no portion of such building is located in either front yard.
- (b) Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than forty (40) percent of the required rear yard, provided, in any case where accessory buildings are not built on the side or rear lot lines and in residential districts, such accessory buildings shall not be located less than three (3) feet from either side or rear lot line.
- (c) On a corner lot where a side yard is required, there shall be a minimum distance between any accessory building and the side street line equivalent to the width of the required side yard on the side of the lot abutting on the side street. Where a lot in the rear of the corner lot fronts on the side street, no part of any accessory buildings on the corner lot within twenty five (25) feet of the common lot line shall project beyond the prolongation of the front yard line of the lot in the rear, provided, however, that the limitation shall not reduce the buildable length of an accessory building to less than twenty (20) feet.
- (d) Accessory buildings or structures permitted in a required rear or side yard shall not exceed thirteen (13) feet in height.
- (e) The combined gross area of all accessory buildings or portions thereof located in side and rear yards shall not exceed forty (40) percent of the required rear yard area, nor shall more than one (1) accessory building cover any part of a required side yard.
- (f) An accessory building may be attached to a dwelling provided that:
 - (1) The connection or attachment shall be not less than six (6) feet in width;
 - (2) The connection or attachment shall be made by a common wall; an extension of the main roof designed as an integral part of the building; or other substantial attachment or connection.

- (g) Private Garages. The following regulations shall apply to all private garages accessory to single-, two-, three-, or four-family dwellings, including manufactured homes and townhouses and shall supersede any conflicting regulations applicable to accessory structures:
- (1) Location.
- a. Attached garages shall comply with the side yard setback requirements of the principal structure and shall not be closer to the rear lot line than the side yard setback of the principal structure.
- b. If located in front of the principal structure, a detached garage shall comply with the side yard setback requirements of the principal structure and shall not be less than sixty (60) feet from the front lot line
- (2) Garage doors
- a. Garage doors shall not exceed ten (10) feet in height, except when modified to accommodate existing one- or two-family dwellings, including townhouses, elevated to reduce potential flood damage.
- b. Garage doors on street facing attached garages shall not comprise more than fifty (50) percent of the total width of the street-facing principal structure façade. [5-26-10]
- c. The portion of garage doors viewable from the street on street-facing detached garages shall not comprise more than fifty (50) percent of the total combined width of the facades of the principal structure and portion of street-facing garage structure viewable from the street.
- d. On corner lots, only the front street-facing garage door shall comply with subsections (b) and (c).

30. Amend Chapter 40, Zoning. Article XXXIX. Exceptions and Modifications, Sec. 40-743.5. *Regulations for fences*, to include provisions related to fences in the OMNCD, to read as follows:

* * *

- (b) *Fence in the Front Yard.* A front yard shall not be fenced or otherwise enclosed unless a variance is granted by the board of zoning adjustments in accordance with Article XLII, Board of Zoning Adjustments (BZA), of this Chapter, and the following criteria are met:

* * *

- (5) In the OMNCD, front yard fences shall maintain an open design and be made of durable material. Wood and metal picket fences may be used in conjunction with low masonry walls provided the masonry portion is no greater than three (3) feet in height. Chain link fences shall not be permitted when located in the front yard.

- (c) *Fence on Through Lot, Corner Lot.*

- (1) Lots which front a major or minor arterial, or collector street, as shown in the Jefferson Parish Thoroughfare Plan, and also front a second street may

- fence the front yard adjoining the major or minor arterial, or collector street, upon approval by the BZA; or
- (2) Lots which are part of an approved subdivision plan and have had access restricted to an interior street by ordinance shall be considered as single front lots with the rear yard adjoining the major or minor arterial, or collector street: or
- (3) In the OMNCD, a fence in the corner side yard shall be subject to the same requirements as a fence in the front yard.**

* * *

31. Amend Chapter 40. Zoning, Article XLII. Board of Zoning Adjustments (BZA), Sec. 40-792. *Powers of the Board*, to include appeals to MRTPD application requirements, remove reference to procedures for handling variances in the OMNCD, and delete variance for the use and placement of fill in the OMNCD, to read as follows:

The Board of Zoning Adjustments shall have all the powers and duties prescribed by this ordinance, which are more particularly specified as follows:

- (1) *Appeals. Decisions of the Director of Inspection and Code Enforcement or the Planning Director.*
- a. Except as otherwise provided, to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Director of Inspection and Code Enforcement or the Planning Director.
- b. **To hear and decide appeals to the Metairie Ridge Tree Preservation District (MRTPD), as specified in Sec. 40-181 (f) Appeals.**

* * *

- (3) *Variances.* In accordance with standards, hereafter prescribed, to grant variances from the provisions of Chapter 40, Zoning and Chapter 33, Unified Development Code, in the following instances or as specifically authorized elsewhere in this Code:
- a. Permit a variance in yard requirements, height restrictions of structures, or lot-area-per-family requirements of any district; if the variance is for a lot overlaid with OMNCD, the OMC shall have reviewed the specific variance requested and made a recommendation to the BZA in accordance with Sec. 40-170(2)(d).
- b. Waive or reduce the parking and loading requirements in the R-3 Multiple-Family Residential, and all other less restrictive districts, however, appeals for parking requirement reductions where the required parking exceeds ten (10) spaces shall be limited to a maximum of ten (10) spaces or ten (10) percent of the required parking, whichever is greater, and shall be considered only if all parking spaces are standard size. The provisions of this paragraph are subject to Sec. 40-481.

- c. Permit a variance to the use and placement of fill and to retaining wall requirements located in Article X, Old Metairie Neighborhood Conservation District, only when variance requests are submitted to the Old Metairie Commission (OMC) and the OMC has recommended approval of the variance.
- d. c. Permit a variance to the clear vision area regulations located in Article XXXV. Off-Street Parking, Loading, and Clear Vision Area Regulations in accordance with Sec. 40-665 Clear vision area regulations.
- e. d. Permit a variance to the regulation of the following walls and surfaces:

* * *

- f. e. Permit a variance to the building line requirements located in Article XXXV. Off Street Parking, Loading, and Clear Visions Area Regulation, Sec. 40-661. General Requirements (g)(2).
- g. f. Permit a variance to the electronic variable message (EVM) sign regulations to allow one (1) attached EVM sign in place of a detached EVM sign.
- h. g. Permit a variance to the five (5) percent maximum driveway slope for applications involving the elevation of existing one- and two-family dwellings, including townhouses.

* * *

32. Amend Chapter 40. Zoning, Article XLII. Board of Zoning Adjustments (BZA), Sec. 40-793. *Limitations of powers and standards for Board action*, subsection (1) *Limitations*, to add a new subsection e. with procedures for handling variances in the OMNCD, to read as follows:

* * *

- e. In considering a variance for a property located in the Old Metairie Neighborhood Conservation District (OMNCD), the following limitations and standards for Board action shall apply:
 - 1. Petitions for variances within the boundaries of the OMNCD require the review and recommendation of the Old Metairie Commission (OMC) prior to action by the BZA except tree removal only appeals.
 - 2. Limitations on final action by the BZA.
 - i. In its final action, the BZA may grant a modified variance without additional review and recommendation of the OMC, only if:
 - A. The variance is the same type of variance; and
 - B. Is more restrictive than the variance proposed in the notice.

- ii. If the BZA grants such variance then the applicant must submit revised site plans and, or building elevations that are dimensioned and drawn to scale to the Planning Department.
 - iii. The BZA shall not grant a substitute, alternative, or modified variance that is less restrictive or a different type of variance without review and recommendation of such variance by the OMC.
- 3. Where the final decision of the BZA does not follow the recommendation of the OMC for a particular case, the final decision of the BZA shall govern the site plan submitted to the Parish Council and any appeal must follow the guidelines for appeal in Sec. 40-796 Judicial review.

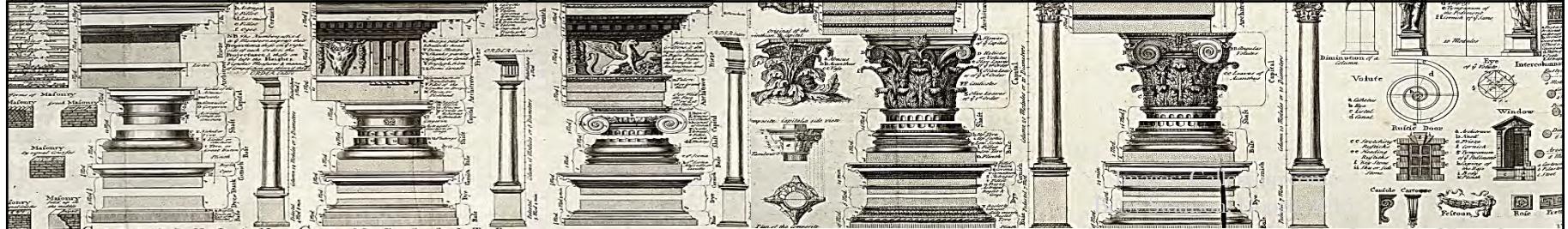
33. Amend Chapter 40. Zoning, Article XLII. Board of Zoning Adjustments (BZA), Sec. 40-794. *Appeals to the Board*, subsection (f) *Notice*, to make posted notice provisions for the BZA consistent with those for the PAB and OMC, to read as follows:

(f) Notice. Except as otherwise provided, the following notices shall be provided:

* * *

(4) Posted Notice. A sign shall be provided by the Board and posted by the applicant At least one (1) sign shall be posted on the subject property, visible from the nearest public street right-of-way, at least ten (10) business days prior ~~before~~ to the ~~public~~ hearing before the Board. Whenever practical, the applicant shall post the sign within ten (10) feet of a public street right-of-way and positioned in a manner to best inform the traveling public without creating a safety hazard. The ~~sign(s)~~ shall remain posted on the property applicant shall not remove the sign until the Board takes final action. Failure to post the notification sign within the required timeline shall result in a one hundred (\$100) dollar fine, which shall be credited to the Parish General Revenue Fund. The sign shall be of sufficient size, double-faced and posted so that the face of the sign is at a right angle to the street in order that said sign can be read by the traveling public in both directions. The Board shall determine sign content.

* * *



TXT-2-21: Old Metairie Neighborhood Conservation District (OMNCD)

Summary No. 25851

Jefferson Parish Planning Department • 2/16/22



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Study Call

Planning Director Study Call on 10/2/14 with the intent to:

- Reformat sections of the code
- Clarify existing regulations of the OMNCD
- Establish new standards and procedures when necessary to support the purposes of the OMNCD
- Provide for related matters

This is not a remapping or rezoning of any property

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Study Timeline and OMC Input

- Throughout the course of the study, the Planning Department Staff made presentations related to the study and solicited input from the Old Metairie Commission (OMC) (2015-present)
- Staff introduced the full recommendation at the 10/7/21 OMC Hearing and met with absent members individually after the meeting**
- At 11/4/21 OMC Hearing, OMC members expressed interest in adding greenspace requirements to the proposed regulations**
- At 12/2/21 OMC Hearing, the OMC made the following recommendation:**
 - Approval, with the following stipulations:**
 - No more than thirty-five percent (35%) of the required front yard or corner side yard, calculated separately, shall consist of impervious paving or other impervious surfaces;
 - An additional ten percent (10%) of the required front and corner yard may consist of pervious paving or other permeable surfaces; however
 - The remaining portion of the required front and corner side yard (55%) shall be allocated for green area(s) comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

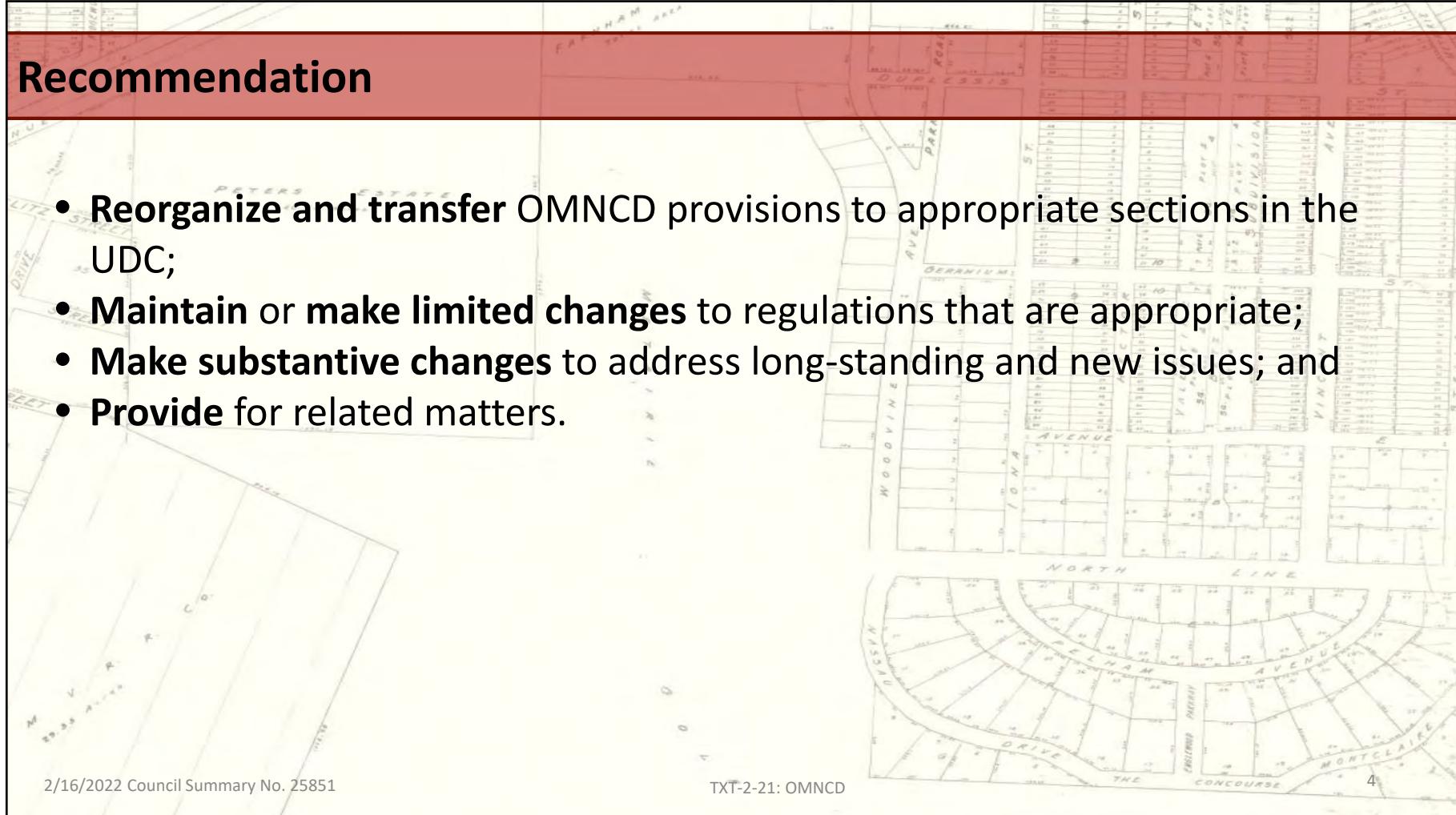
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Recommendation

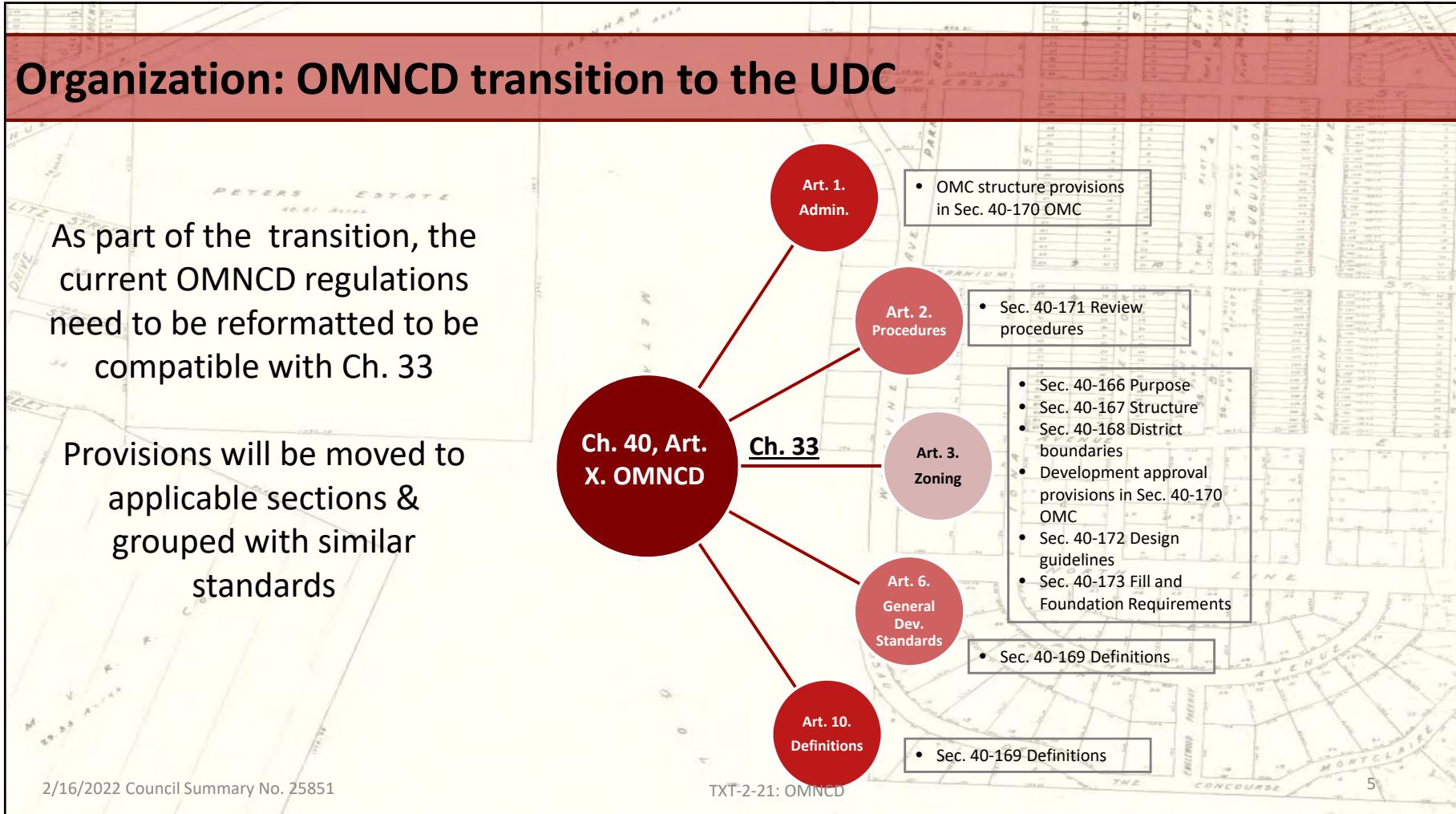
- **Reorganize and transfer OMNCD provisions to appropriate sections in the UDC;**
- **Maintain or make limited changes to regulations that are appropriate;**
- **Make substantive changes to address long-standing and new issues; and**
- **Provide for related matters.**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

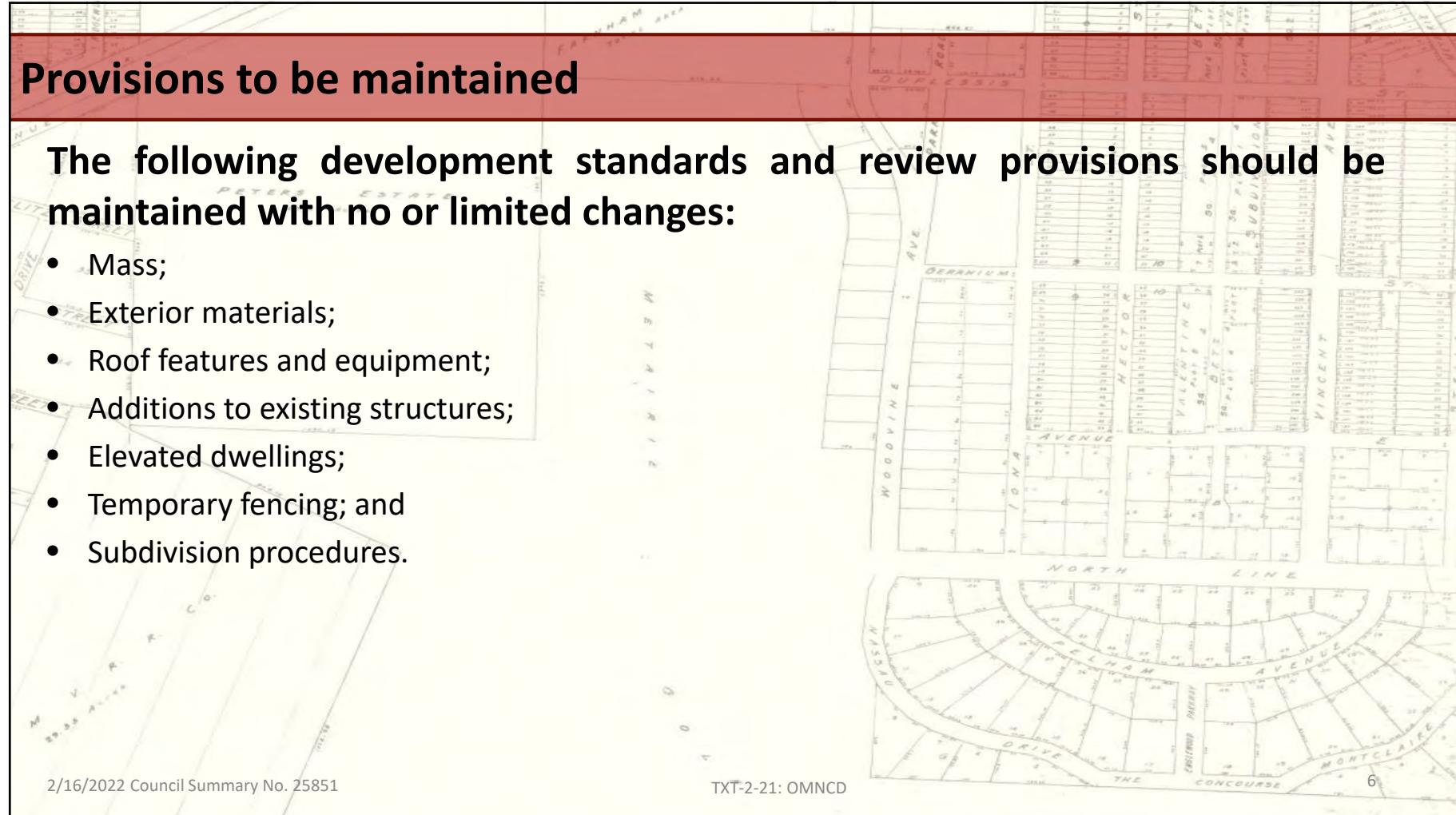
Provisions to be maintained

The following development standards and review provisions should be maintained with no or limited changes:

- Mass;
- Exterior materials;
- Roof features and equipment;
- Additions to existing structures;
- Elevated dwellings;
- Temporary fencing; and
- Subdivision procedures.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Provisions to be amended

Issues and recommendations are addressed primarily by the proposed ordering of the Sec. 33-3.65 Old Metairie Neighborhood Conservation District

Other topics discussed include:

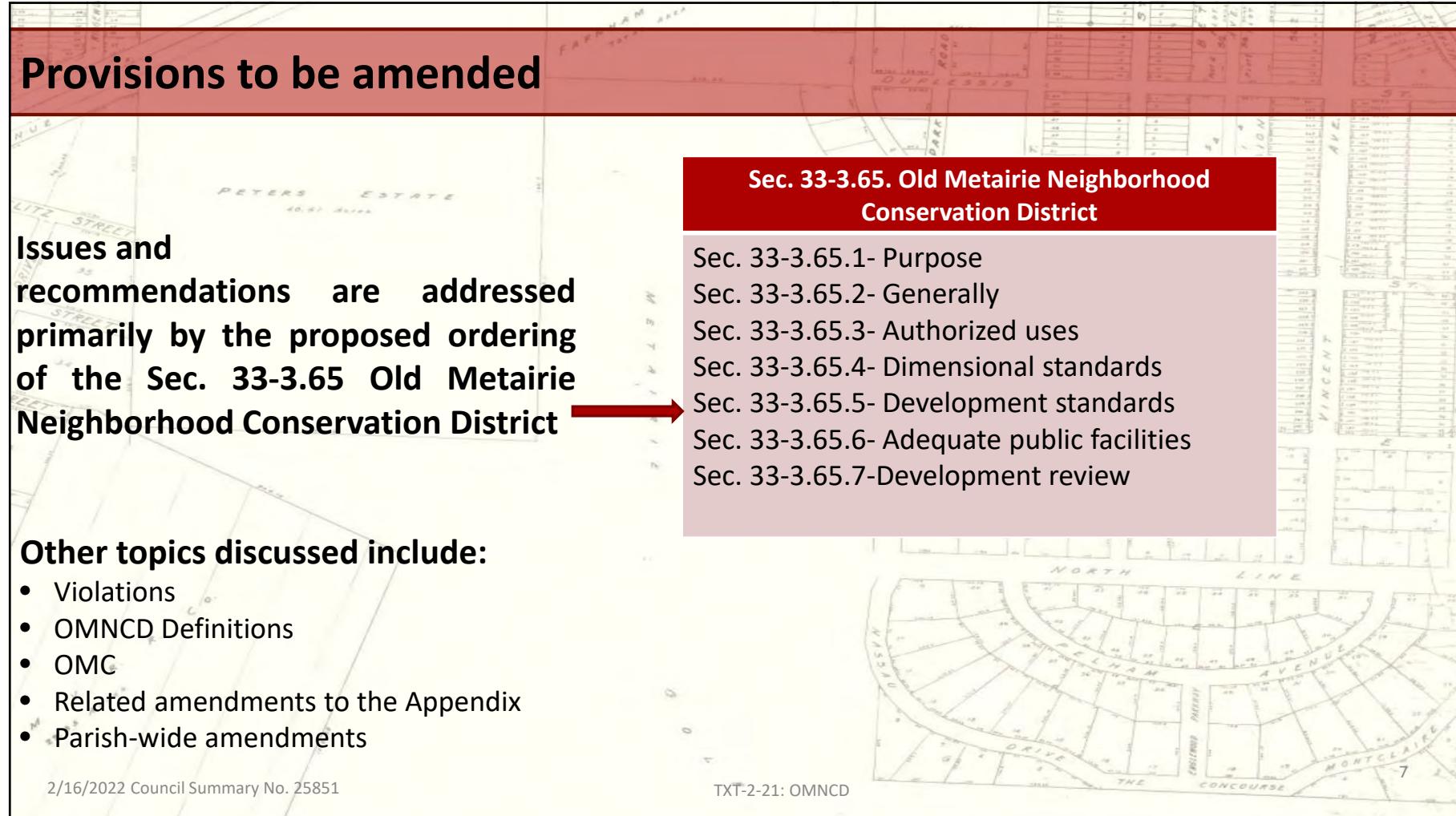
- Violations
- OMNCD Definitions
- OMC
- Related amendments to the Appendix
- Parish-wide amendments

2/16/2022 Council Summary No. 25851

Sec. 33-3.65. Old Metairie Neighborhood Conservation District

- Sec. 33-3.65.1- Purpose
- Sec. 33-3.65.2- Generally
- Sec. 33-3.65.3- Authorized uses
- Sec. 33-3.65.4- Dimensional standards
- Sec. 33-3.65.5- Development standards
- Sec. 33-3.65.6- Adequate public facilities
- Sec. 33-3.65.7-Development review

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Sec. 33-3.65.1. Purpose

Issue:

- Several statements purpose section are outdated or no longer relevant
 - Need to be amended to reflect other proposed changes to the OMNCD regulations

Recommendation:

- Remove statement related to the mature architectural character
- Replace reference to “traditional regional architecture” with “high quality of architectural design”
- Transfer statement related to open character/streetscape from design guidelines to this section
- Add a purpose statement related to stormwater management that encourages the use of greenspace to help reduce run off

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

8

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Sec. 33-3.65.2. Generally

Issues:

- Potential conflict, between:
 - Overlay district that supersedes underlying zoning district; but
 - In case of a conflict → more restrictive applies
- Does not address how to handle silence on certain matters
- Does not specify if and when other sections of the Code apply

Recommendation:

- OMNCD shall supersede other code provisions in case of conflict
- Where OMNCD is silent, underlying zoning district or other applicable section of the Code shall apply

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

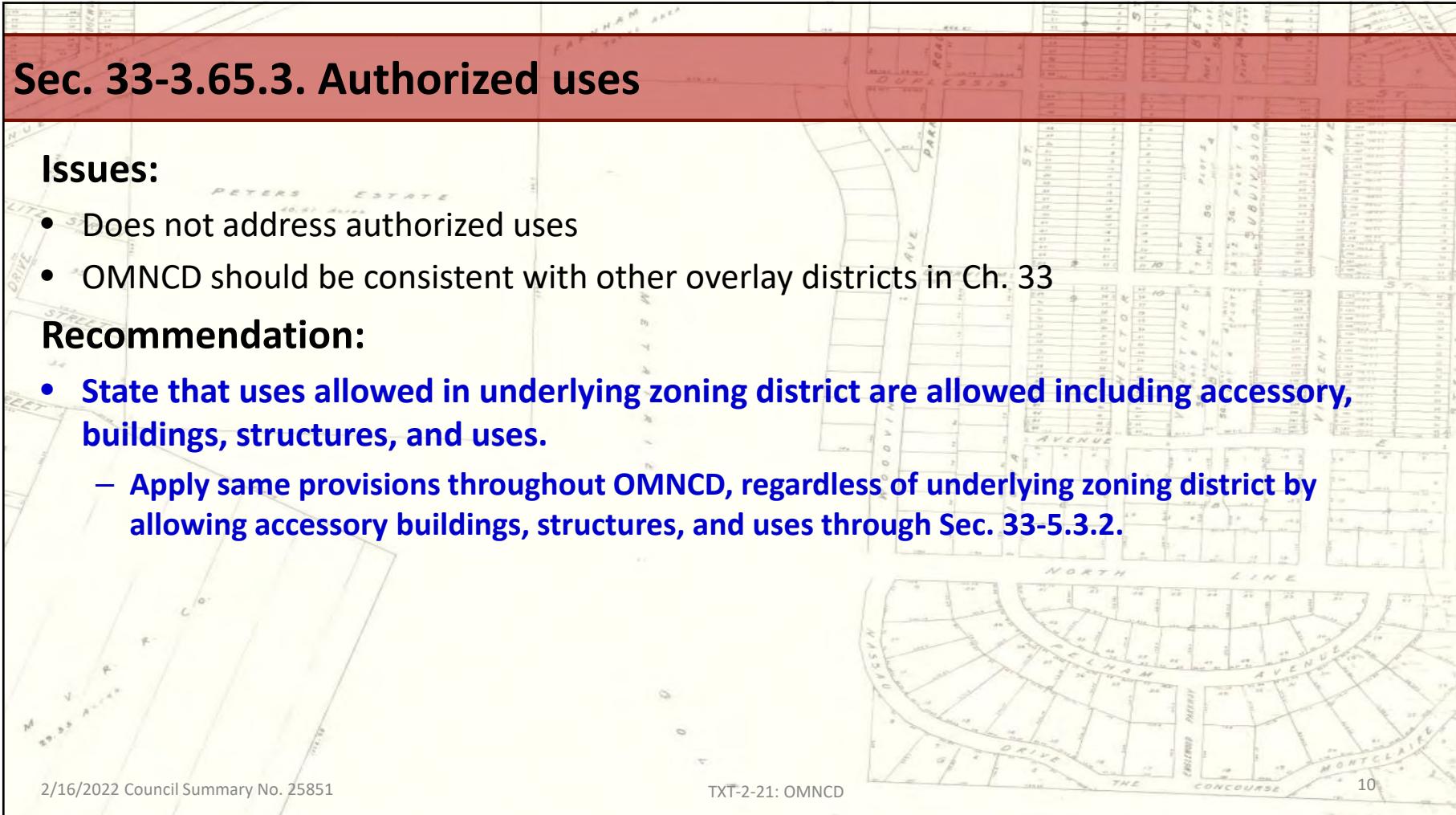
Sec. 33-3.65.3. Authorized uses

Issues:

- Does not address authorized uses
- OMNCD should be consistent with other overlay districts in Ch. 33

Recommendation:

- **State that uses allowed in underlying zoning district are allowed including accessory, buildings, structures, and uses.**
 - **Apply same provisions throughout OMNCD, regardless of underlying zoning district by allowing accessory buildings, structures, and uses through Sec. 33-5.3.2.**



2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

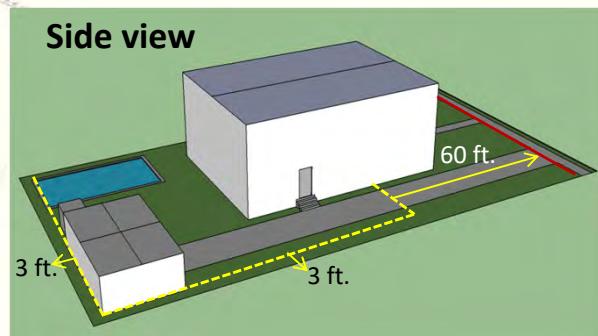
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Accessory Buildings, Structures, and Uses

Recommendation:

- **Apply same provisions throughout OMNCD, regardless of underlying zoning district by allowing accessory buildings, structures, and uses through Sec. 33-5.3.2.**

- Allow in side or rear yard, at least 60 ft. from front lot line
- Min. 3 ft. setback to side or rear lot line
- Max. 40% rear yard coverage
- No more than one accessory building or structure within side yard
- Max 13 ft. height
- Corner side yard setback requirements for accessory buildings and structures



2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

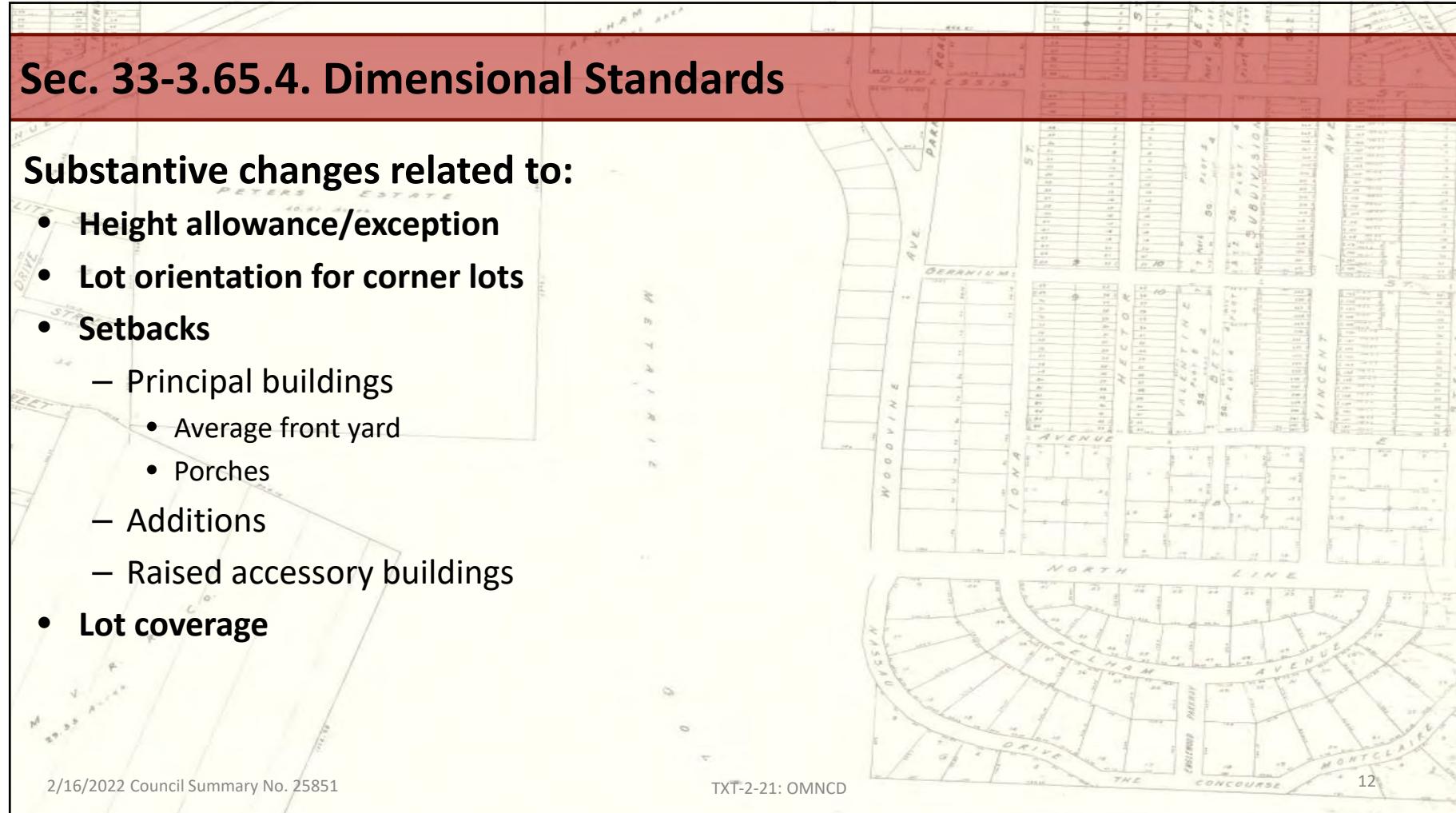
Sec. 33-3.65.4. Dimensional Standards

Substantive changes related to:

- Height allowance/exception
- Lot orientation for corner lots
- Setbacks
 - Principal buildings
 - Average front yard
 - Porches
 - Additions
 - Raised accessory buildings
- Lot coverage

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

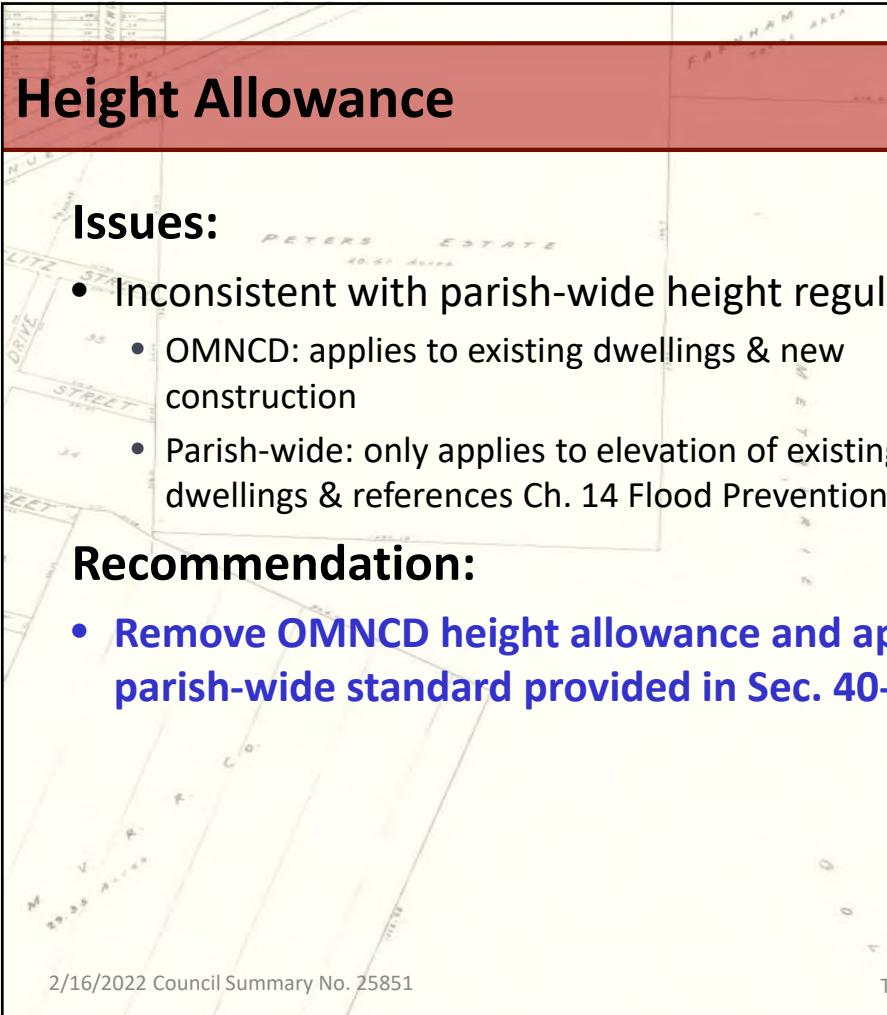
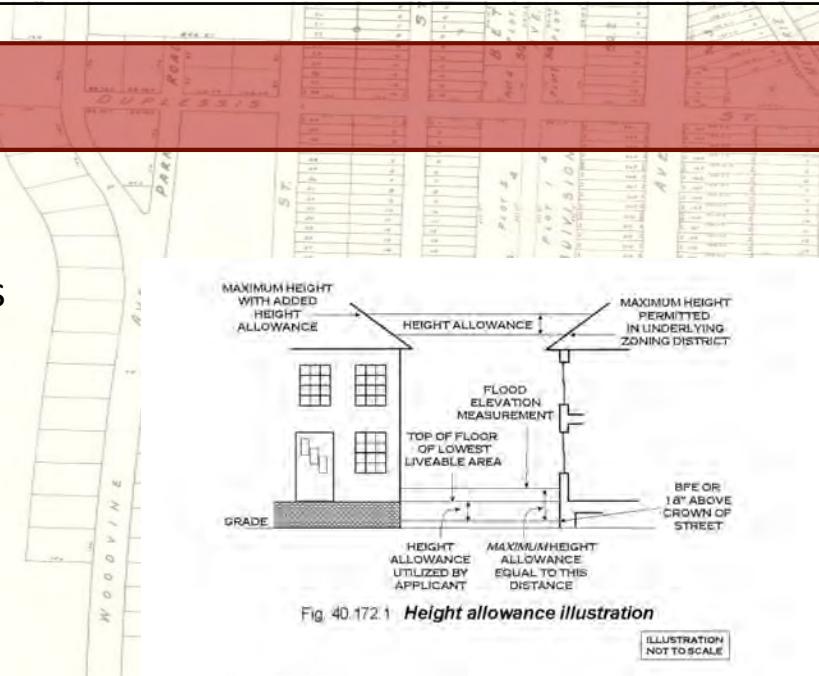
Height Allowance

Issues:

- Inconsistent with parish-wide height regulations
 - OMNCD: applies to existing dwellings & new construction
 - Parish-wide: only applies to elevation of existing dwellings & references Ch. 14 Flood Prevention

Recommendation:

- Remove OMNCD height allowance and apply parish-wide standard provided in Sec. 40-737

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Lot Orientation

Issues:

- OMNCD, corner lots must retain the front lot line established by prior development, which may be difficult to determine
- Neighborhood characterized by long narrow blocks with most homes fronting on north/southbound streets and prominent Northline corridor as “gateway” into the neighborhood

Recommendation:

- Orientation = longer block, except for Northline fronting properties where orientation = Northline
- Designate remaining sides in the OMNCD to support proposed corner side yard restrictions

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Setbacks

Issues:

- Different linear distances and parameters used to measure average front yard (100 ft., 300 ft., 500 ft.) and procedures are unclear
- Conflict between OMNCD & parish-wide regulations for projections
- Additions to existing structures shall be set back from the front face of the structure, but no min. setback specified
- Height requirements for raised and non-raised accessory buildings located in required side or rear yard are the same (13 ft.)

Recommendation:

- **Apply Sec. 40-741 Projections into open areas**
- **Front yard setbacks in the OMNCD may be = average of existing front yards, within same zoning district and block, on both sides of subject property and street, excluding properties with variances**
- **Remove setback for additions**, thus addition would be required to meet general setback requirements
- **Omit additional setback requirement for raised accessory buildings**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

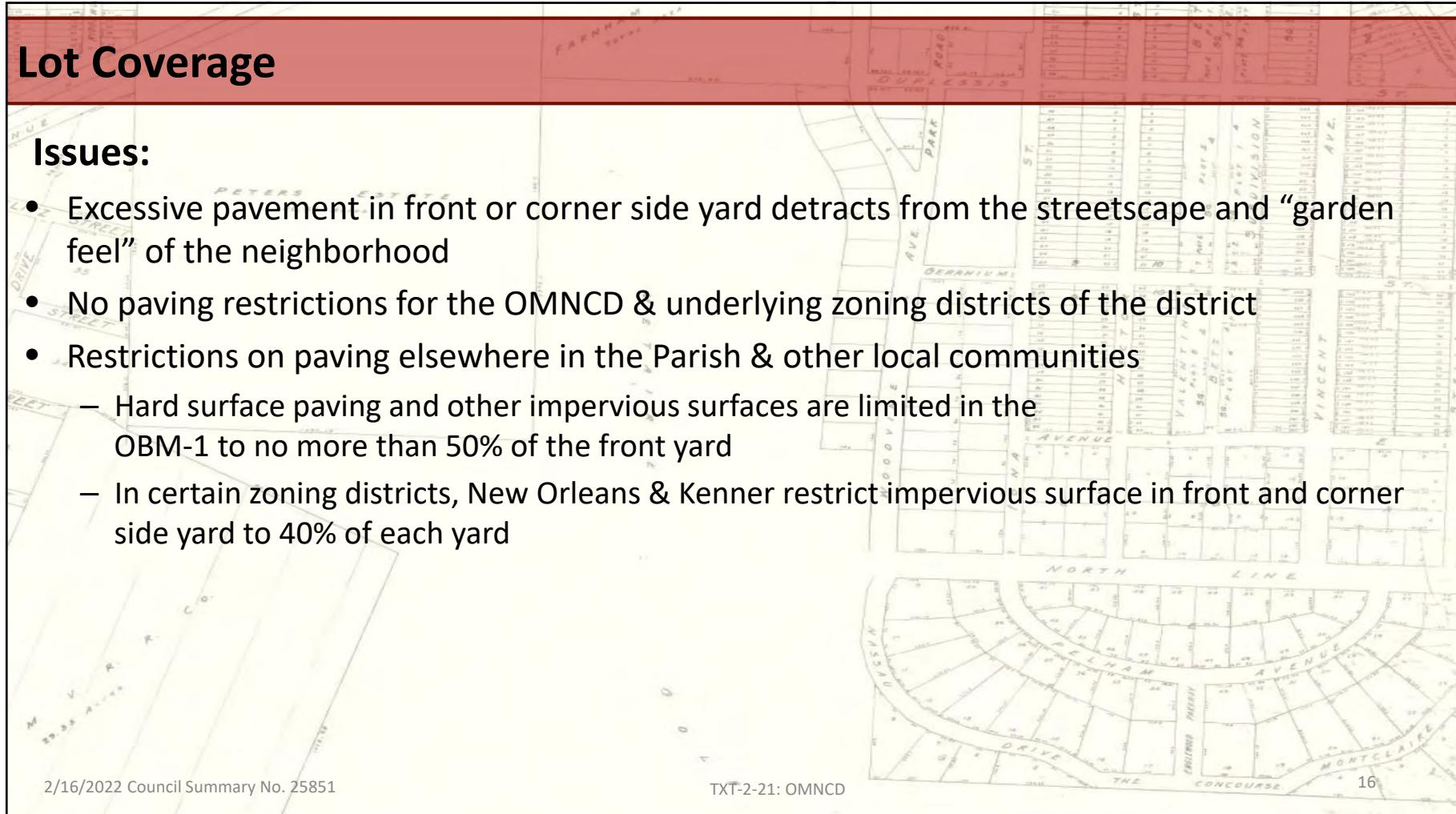
Lot Coverage

Issues:

- Excessive pavement in front or corner side yard detracts from the streetscape and “garden feel” of the neighborhood
- No paving restrictions for the OMNCD & underlying zoning districts of the district
- Restrictions on paving elsewhere in the Parish & other local communities
 - Hard surface paving and other impervious surfaces are limited in the OBM-1 to no more than 50% of the front yard
 - In certain zoning districts, New Orleans & Kenner restrict impervious surface in front and corner side yard to 40% of each yard

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Lot Coverage

Issues:

- If standards are added, still no permit required to pave
 - Lack of necessary enforcement mechanism
- Ongoing study on parish-wide paving requirements

Recommendation:

- **Limit coverage of impervious paving and other impervious surfaces to:**
 - 40% front yard
 - 40% corner side yard
- **More research on paving permit needed as part of ongoing paving/integrated stormwater management study**

Add definition for *lot coverage*

Lot coverage shall mean the percent of the total lot or portion of a lot covered by buildings and impervious surfaces, such as houses, sheds, gazebos, other types of structures, driveways, parking lots, and covered patios.

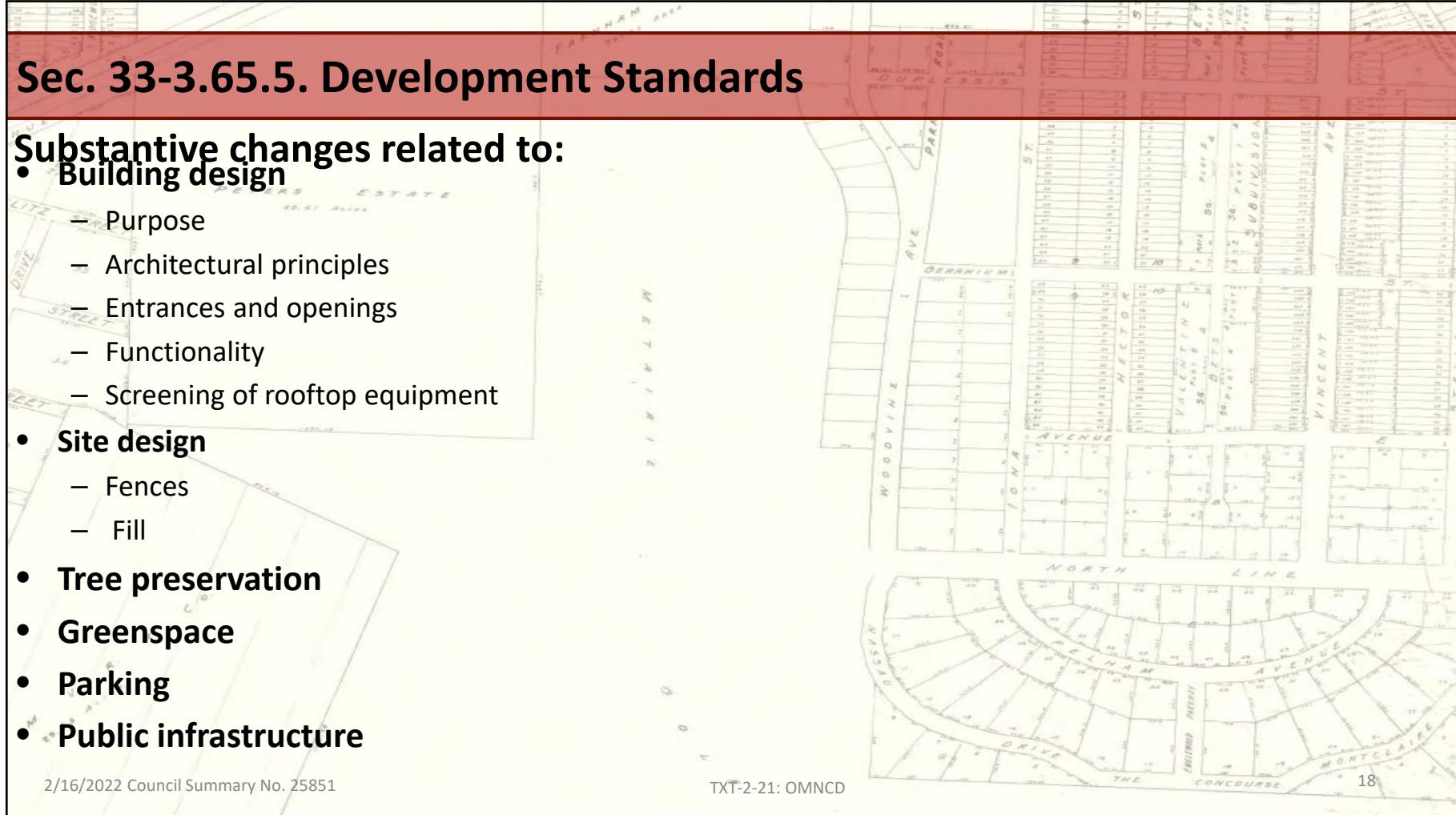
Sec. 33-3.65.5. Development Standards

Substantive changes related to:

- Building design
 - Purpose
 - Architectural principles
 - Entrances and openings
 - Functionality
 - Screening of rooftop equipment
- Site design
 - Fences
 - Fill
- Tree preservation
- Greenspace
- Parking
- Public infrastructure

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Building Design

Purpose and Architectural Principle Issues:

- No mechanism to dictate use of traditional regional architectural style, as described in *Louisiana Speaks: Pattern Book*
- Design guidelines promote the use of traditional regional architectural style, but:
 - New construction does not need to imitate historic structures
- Additional provisions needed to support standards related to proportions & compatibility
- Threshold for evaluating building design compatibility (with neighboring structures) should be same as front yard exceptions

Recommendation:

- Replace reference to *Louisiana Speaks: Pattern Book* with purpose statement that protects neighborhood character, but also supports a variety of architectural styles
- Add statement related to promoting quality architectural design
- Add architectural principles that reflect building design standards
- Incorporate existing provisions for relating to neighboring structures
 - Evaluate compatibility with neighboring structures by style, design, and mass
 - Apply same threshold for compatibility as setback exceptions, and evaluating neighboring structures

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

19

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Building Design

Issues:

- Previous proposals for “compounds” included dwellings that function more like “accessory house” than typical dwelling
 - May disrupt existing building orientation pattern of the neighborhood

Example:

New single-family dwelling
7,926 sq. ft.

Lot of Record

2,155 sq. ft.
Does not appear to be typical dwelling

Lot of Record

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Building Design

Issues:

- No existing provisions for entrances or openings for the OMNCD
- Functionality of certain features not currently addressed, but could help improve design quality
- If visible from the street, roof-top mechanical can stand out from the rest of the building and may impact adjacent property owners

Recommendations:

- **Require new design standards:**
 - All principal buildings shall have an entrance from the front street elevation
 - Primary entrance or front entrance walkway visible from the street shall be oriented toward the street
 - 15% of area of any street facing façade(s) shall be comprised of windows and doors
- Architectural elements, including windows, shutters, and chimneys shall be functional or appear to be functional
- Require roof-mounted mechanical equipment be screened from view of the street right-of-way. Screening shall not exceed max. building height.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

21

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Fences

Current:

- Fences in front yard require a BZA variance provided the following criteria is met:**
 - Must be open in design and durable;
 - Wood and metal picket fences may be used w/ low masonry walls; and
 - Chain link fencing is prohibited, except when used as temporary fencing.
- Temporary fencing provisions for vacant lots & sites under construction**

Issues:

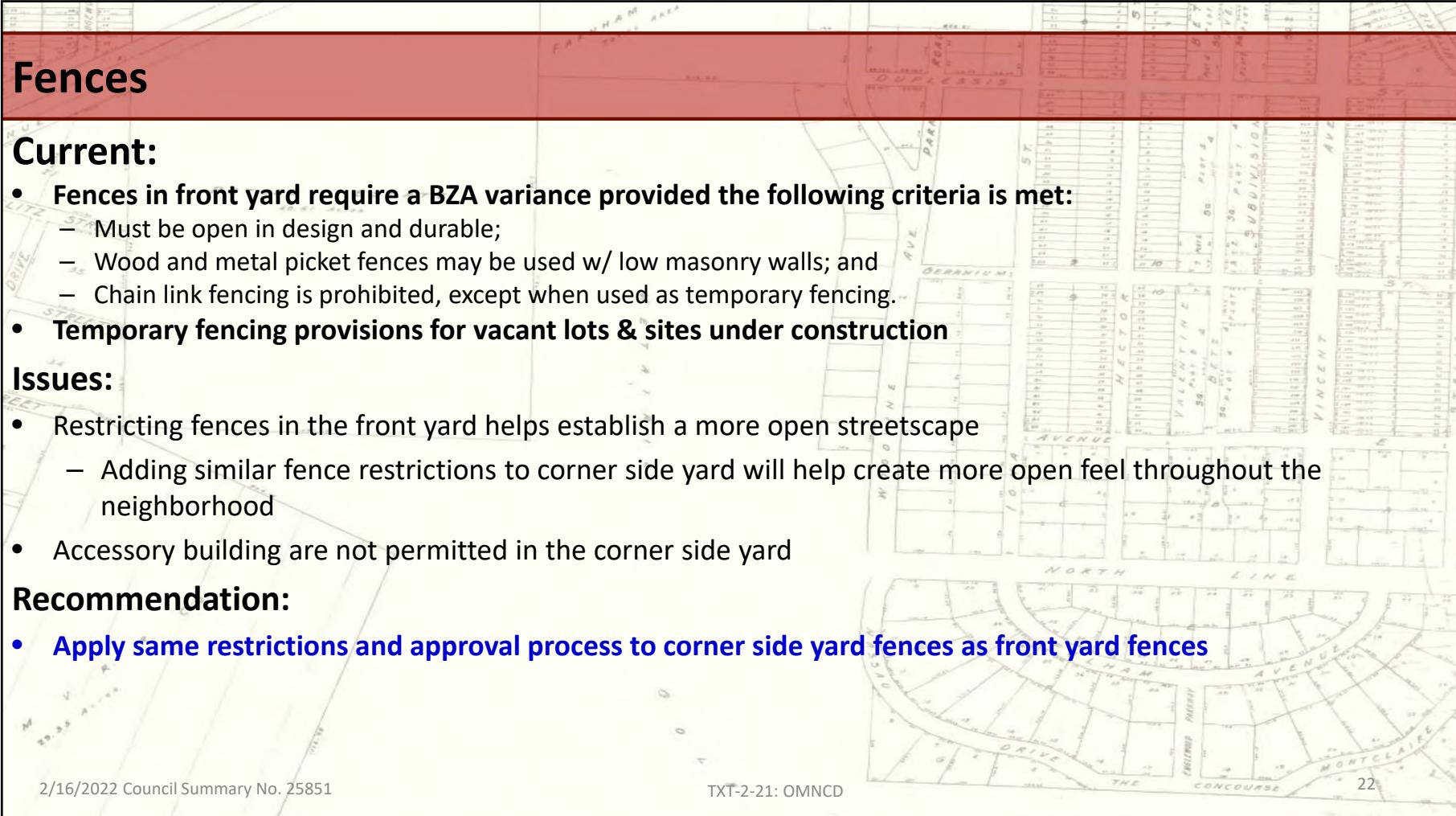
- Restricting fences in the front yard helps establish a more open streetscape
 - Adding similar fence restrictions to corner side yard will help create more open feel throughout the neighborhood
- Accessory building are not permitted in the corner side yard

Recommendation:

- Apply same restrictions and approval process to corner side yard fences as front yard fences**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Fill

Issues:

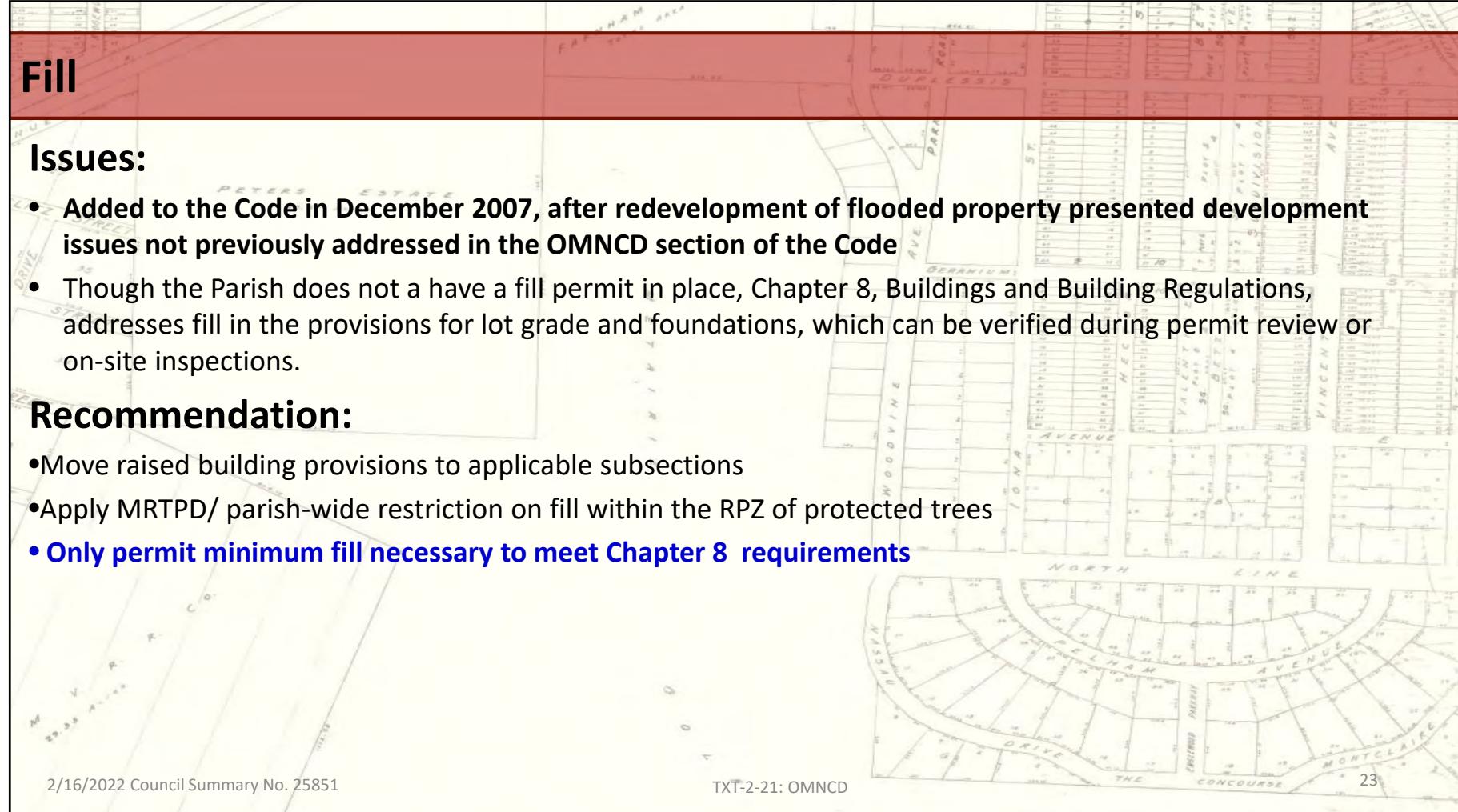
- **Added to the Code in December 2007, after redevelopment of flooded property presented development issues not previously addressed in the OMNCD section of the Code**
- Though the Parish does not have a fill permit in place, Chapter 8, Buildings and Building Regulations, addresses fill in the provisions for lot grade and foundations, which can be verified during permit review or on-site inspections.

Recommendation:

- Move raised building provisions to applicable subsections
- Apply MRTPD/ parish-wide restriction on fill within the RPZ of protected trees
- **Only permit minimum fill necessary to meet Chapter 8 requirements**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Tree Removal

Issues:

- Uncontested tree removal area (M RTPD) does not apply in OMNCD
 - Limits development within the buildable area
 - Potentially burdensome for property owners
- OMC review of appeal of denial of “tree removal only” application:
 - Adds extra step to the review process; and
 - Requires extra time & money from the applicant

Recommendation:

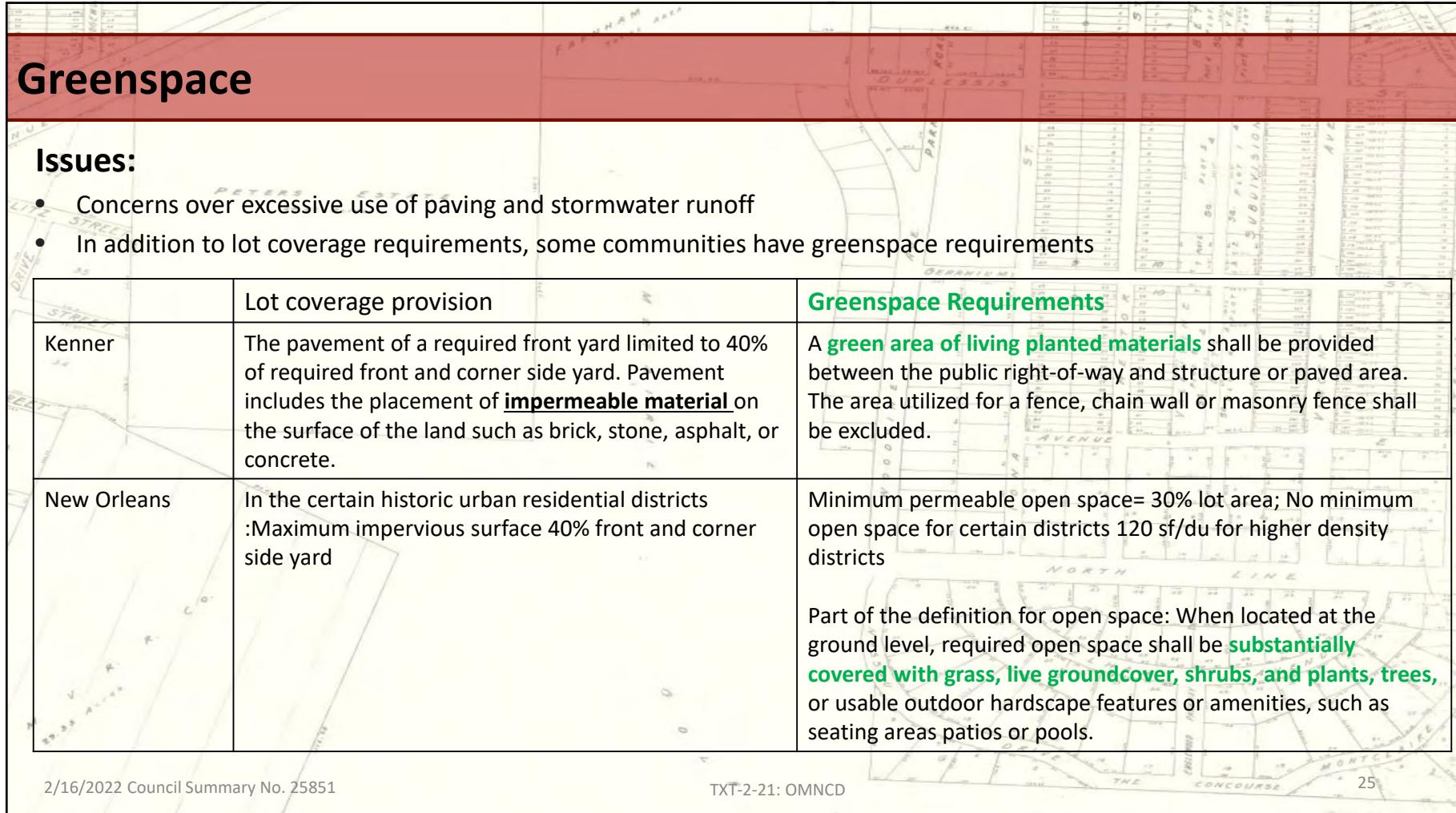
- Uncontested tree removal will be addressed as part of Tree Preservation Study
 - Interim standard adopted under Resolution No. 136707 is still in effect
 - Currently allows tree removal within the buildable area, but not the side yard
- **No OMC review & hearing for tree removal only appeals**
 - Directly to BZA

In the M RTPD, any tree, even if protected, with 50% base within “uncontested tree removal area” may be removed

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



Greenspace											
Issues:											
<ul style="list-style-type: none"> Concerns over excessive use of paving and stormwater runoff In addition to lot coverage requirements, some communities have greenspace requirements 											
<table border="1"> <thead> <tr> <th></th><th>Lot coverage provision</th><th>Greenspace Requirements</th></tr> </thead> <tbody> <tr> <td>Kenner</td><td>The pavement of a required front yard limited to 40% of required front and corner side yard. Pavement includes the placement of impermeable material on the surface of the land such as brick, stone, asphalt, or concrete.</td><td>A green area of living planted materials shall be provided between the public right-of-way and structure or paved area. The area utilized for a fence, chain wall or masonry fence shall be excluded.</td></tr> <tr> <td>New Orleans</td><td>In the certain historic urban residential districts :Maximum impervious surface 40% front and corner side yard</td><td>Minimum permeable open space= 30% lot area; No minimum open space for certain districts 120 sf/du for higher density districts Part of the definition for open space: When located at the ground level, required open space shall be substantially covered with grass, live groundcover, shrubs, and plants, trees, or usable outdoor hardscape features or amenities, such as seating areas patios or pools.</td></tr> </tbody> </table>				Lot coverage provision	Greenspace Requirements	Kenner	The pavement of a required front yard limited to 40% of required front and corner side yard. Pavement includes the placement of impermeable material on the surface of the land such as brick, stone, asphalt, or concrete.	A green area of living planted materials shall be provided between the public right-of-way and structure or paved area. The area utilized for a fence, chain wall or masonry fence shall be excluded.	New Orleans	In the certain historic urban residential districts :Maximum impervious surface 40% front and corner side yard	Minimum permeable open space= 30% lot area; No minimum open space for certain districts 120 sf/du for higher density districts Part of the definition for open space: When located at the ground level, required open space shall be substantially covered with grass, live groundcover, shrubs, and plants, trees, or usable outdoor hardscape features or amenities, such as seating areas patios or pools.
	Lot coverage provision	Greenspace Requirements									
Kenner	The pavement of a required front yard limited to 40% of required front and corner side yard. Pavement includes the placement of impermeable material on the surface of the land such as brick, stone, asphalt, or concrete.	A green area of living planted materials shall be provided between the public right-of-way and structure or paved area. The area utilized for a fence, chain wall or masonry fence shall be excluded.									
New Orleans	In the certain historic urban residential districts :Maximum impervious surface 40% front and corner side yard	Minimum permeable open space= 30% lot area; No minimum open space for certain districts 120 sf/du for higher density districts Part of the definition for open space: When located at the ground level, required open space shall be substantially covered with grass, live groundcover, shrubs, and plants, trees, or usable outdoor hardscape features or amenities, such as seating areas patios or pools.									

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Greenspace

Recommendation:

- Add greenspace requirement for front or corner side yard

Sec. 33-3.65.5.3. Greenspace.

(c) At least twenty (20) percent of the required front or corner side yard shall be comprised of living planted materials, including grass, live groundcover, shrubs, plants, or trees, and be provided between the property line and the dwelling or paved area(s).

- Approach restricts property owners from paving entire front and corner side yard, even if they propose pervious paving;
- Helps protect garden feel of the neighborhood; and
- Allows some flexibility in site design.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Circular Drives

Issues:

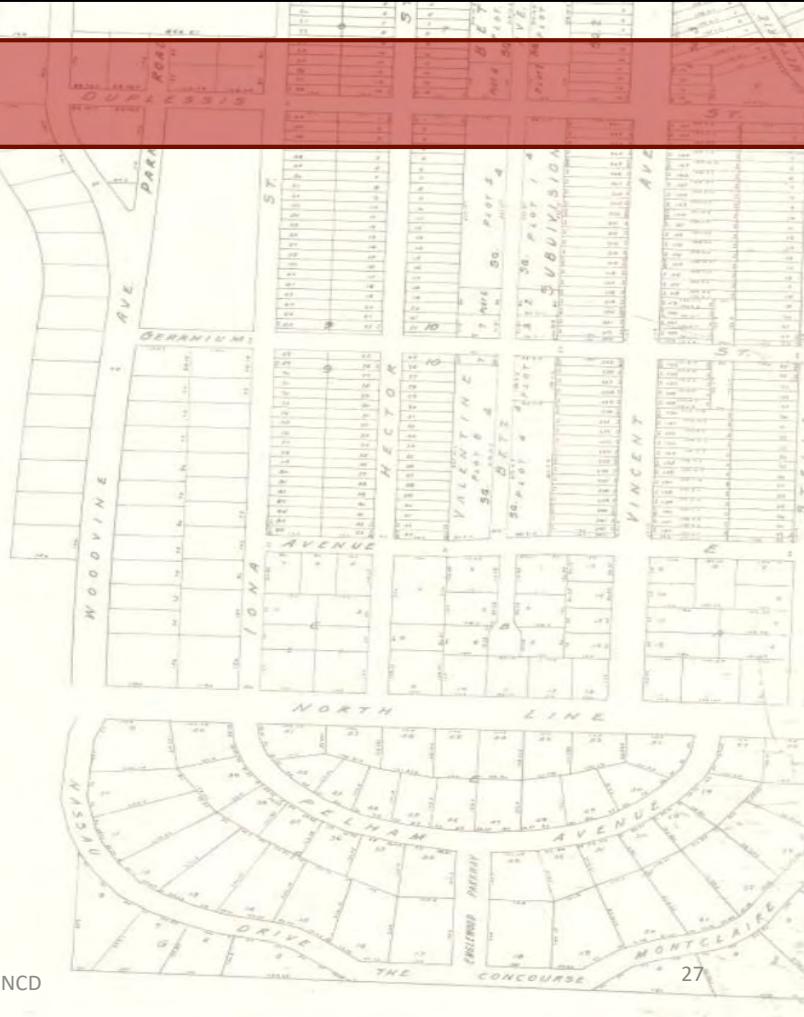
- Circular drives are not allowed:
 - In required side yard
 - Lots with frontage less than 70 ft.
- Standard not applied elsewhere in the parish
- Proposed lot coverage will help reduced paving

Recommendation:

- Remove circular drive provisions

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Public Infrastructure

Issues:

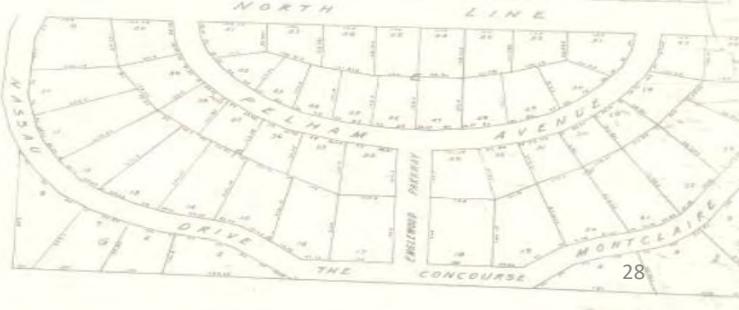
- No review criteria currently in place over these types of projects
- OMC has no funds to cover potential additional expenses

Recommendation:

- Remove OMC authority to make recommendations on public infrastructure
- Allow OMC public hearing to serve as forum for providing the OMC and the public with information about upcoming projects

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



28

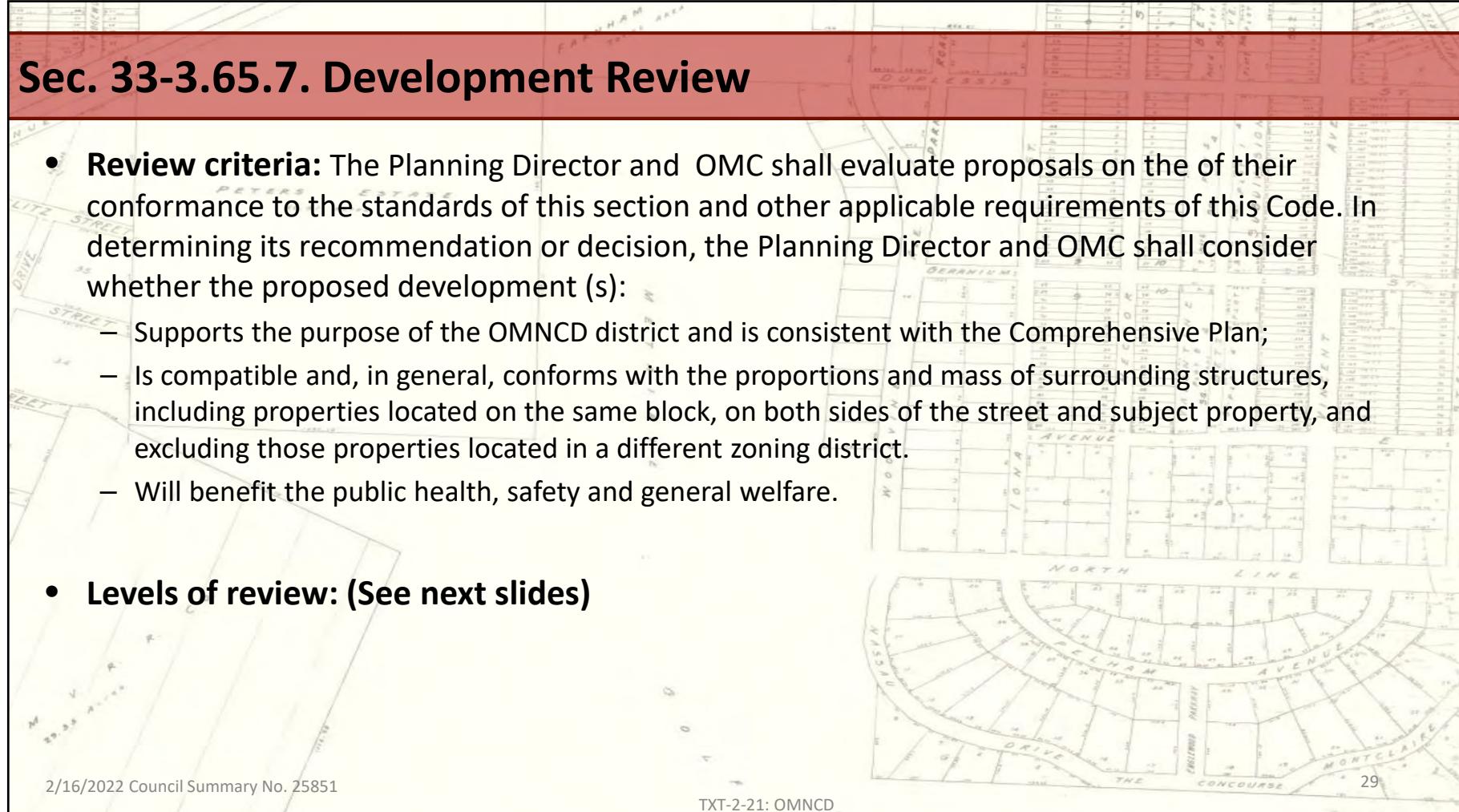
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Sec. 33-3.65.7. Development Review

- **Review criteria:** The Planning Director and OMC shall evaluate proposals on the of their conformance to the standards of this section and other applicable requirements of this Code. In determining its recommendation or decision, the Planning Director and OMC shall consider whether the proposed development (s):
 - Supports the purpose of the OMNCD district and is consistent with the Comprehensive Plan;
 - Is compatible and, in general, conforms with the proportions and mass of surrounding structures, including properties located on the same block, on both sides of the street and subject property, and excluding those properties located in a different zoning district.
 - Will benefit the public health, safety and general welfare.
- **Levels of review: (See next slides)**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Levels of Review

Project type	ICE Director	Planning Director	OMC
	<p>Issue a building permit</p> <ul style="list-style-type: none"> • Interior renovations, ordinary repair, or standard maintenance • Fences meeting all OMNCD requirements, except those located in front yard or ROW • Demolition of accessory structures and fences 	<p>Grant ministerial approval</p> <ul style="list-style-type: none"> • Addition to principal structure no more than 10% • Addition or alteration to accessory structure • Alteration to principal structure that meets certain criteria • Elevation project 3 ft. or less in height • Minor changes to an approved site plan 	<p>Make recommendation to BZA and/or Council</p> <ul style="list-style-type: none"> • Activities that require a permit or involve lot grade adjustments (i.e. cutting or removing soil) • Demolition of principal buildings • New construction or development • Additions and alterations exceeding threshold for PD approval • Denied tree removal only applications • Front yard and temporary fences • Elevation projects over 3 ft. in height

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

30

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Demolition Review

Current:

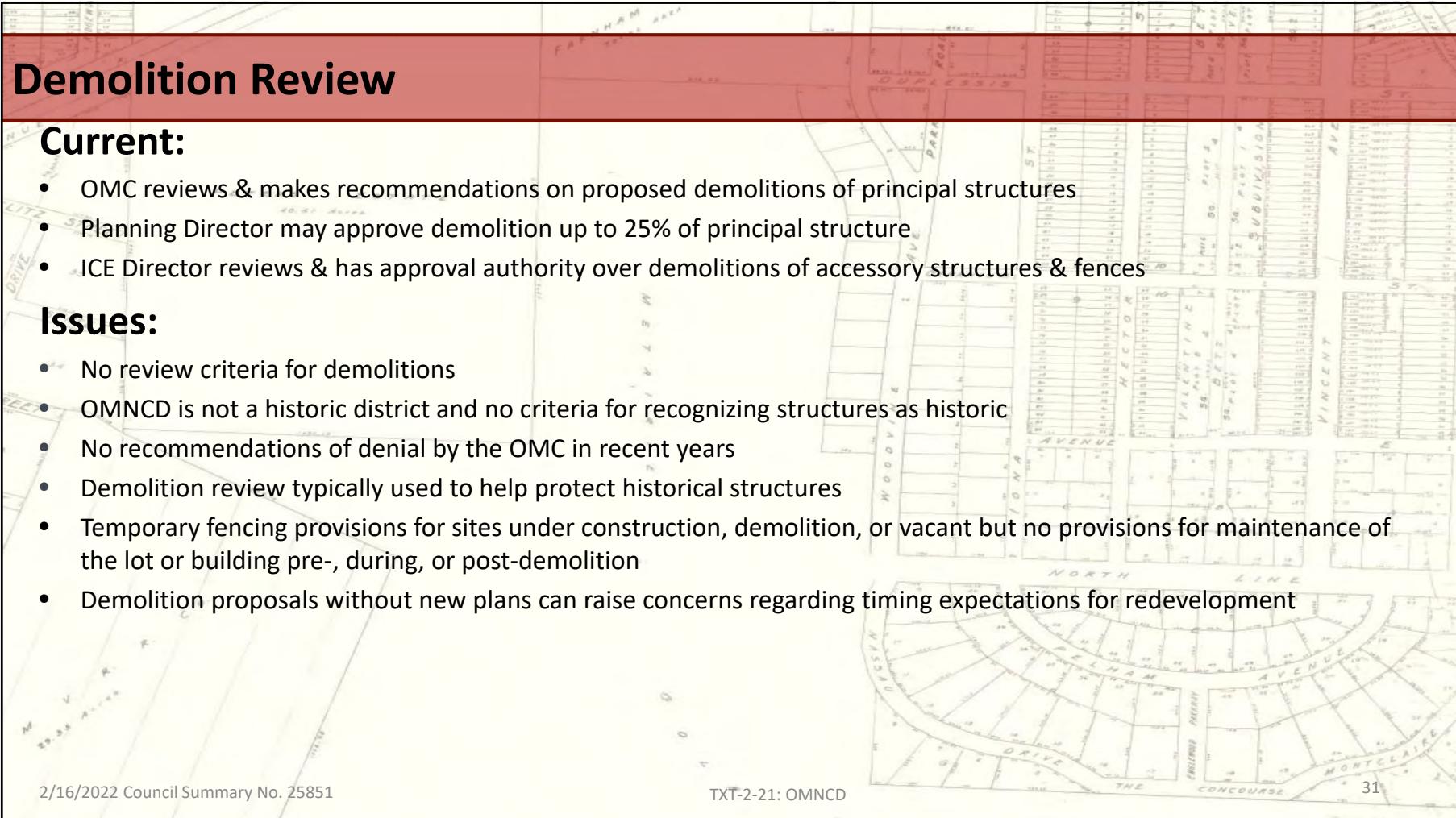
- OMC reviews & makes recommendations on proposed demolitions of principal structures
- Planning Director may approve demolition up to 25% of principal structure
- ICE Director reviews & has approval authority over demolitions of accessory structures & fences

Issues:

- No review criteria for demolitions
- OMNCD is not a historic district and no criteria for recognizing structures as historic
- No recommendations of denial by the OMC in recent years
- Demolition review typically used to help protect historical structures
- Temporary fencing provisions for sites under construction, demolition, or vacant but no provisions for maintenance of the lot or building pre-, during, or post-demolition
- Demolition proposals without new plans can raise concerns regarding timing expectations for redevelopment

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

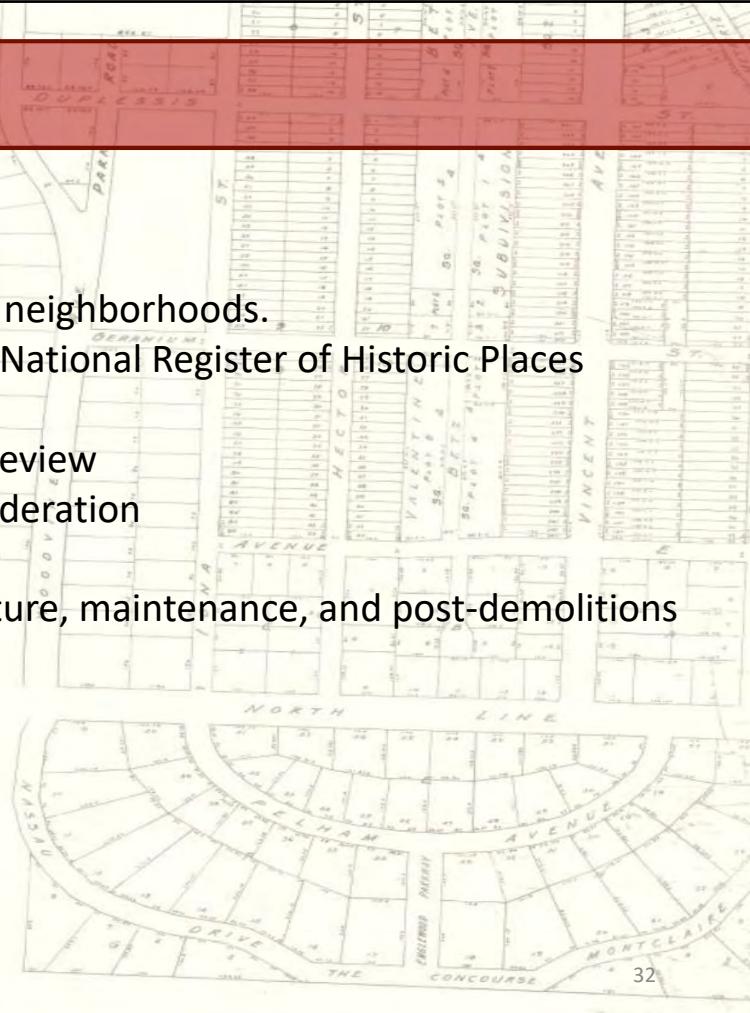
Demolition Review

Issues:

- In looking at other conservation districts in the US:
 - They are often tied to nationally recognized districts or neighborhoods.
 - Some communities have incorporated elements of the National Register of Historic Places criteria for evaluation into demolition review.
 - 50 years is a common threshold for more in depth review
 - Significance of the structure is a key factor for consideration
 - Preservation experts are often involved in the process.
 - Requiring detailed information regarding existing structure, maintenance, and post-demolitions upfront can guide review.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Demolition Review- Development Approval

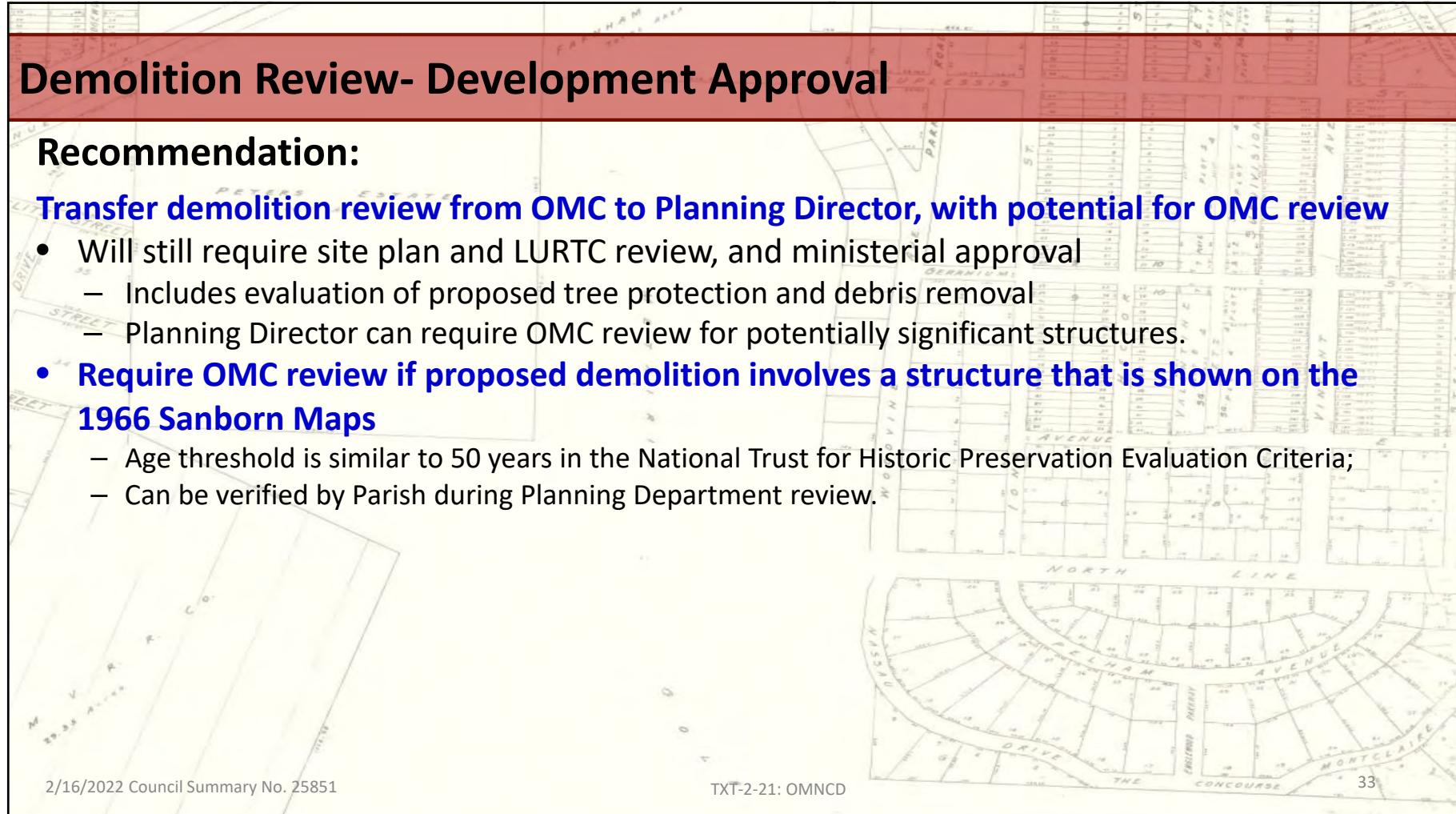
Recommendation:

Transfer demolition review from OMC to Planning Director, with potential for OMC review

- Will still require site plan and LURTC review, and ministerial approval
 - Includes evaluation of proposed tree protection and debris removal
 - Planning Director can require OMC review for potentially significant structures.
- **Require OMC review if proposed demolition involves a structure that is shown on the 1966 Sanborn Maps**
 - Age threshold is similar to 50 years in the National Trust for Historic Preservation Evaluation Criteria;
 - Can be verified by Parish during Planning Department review.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Demolition Review- Review Criteria

Recommendation:

The OMC and/or Planning Dept. shall evaluate the demolition proposals according to the following criteria:

- The current condition of the structure;
- The reason for the demolition request;
- The architectural or historical significance of the structure for structures shown on the 1966 Sanborn Maps;
- The neighborhood context of the structure and the overall effect demolition will have on properties located on both sides of the property and of the street within the same block; and
- The proposed length of time the site is anticipated to remain undeveloped if demolition is granted.

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Demolition Review- Submittal Requirements

Recommendation:

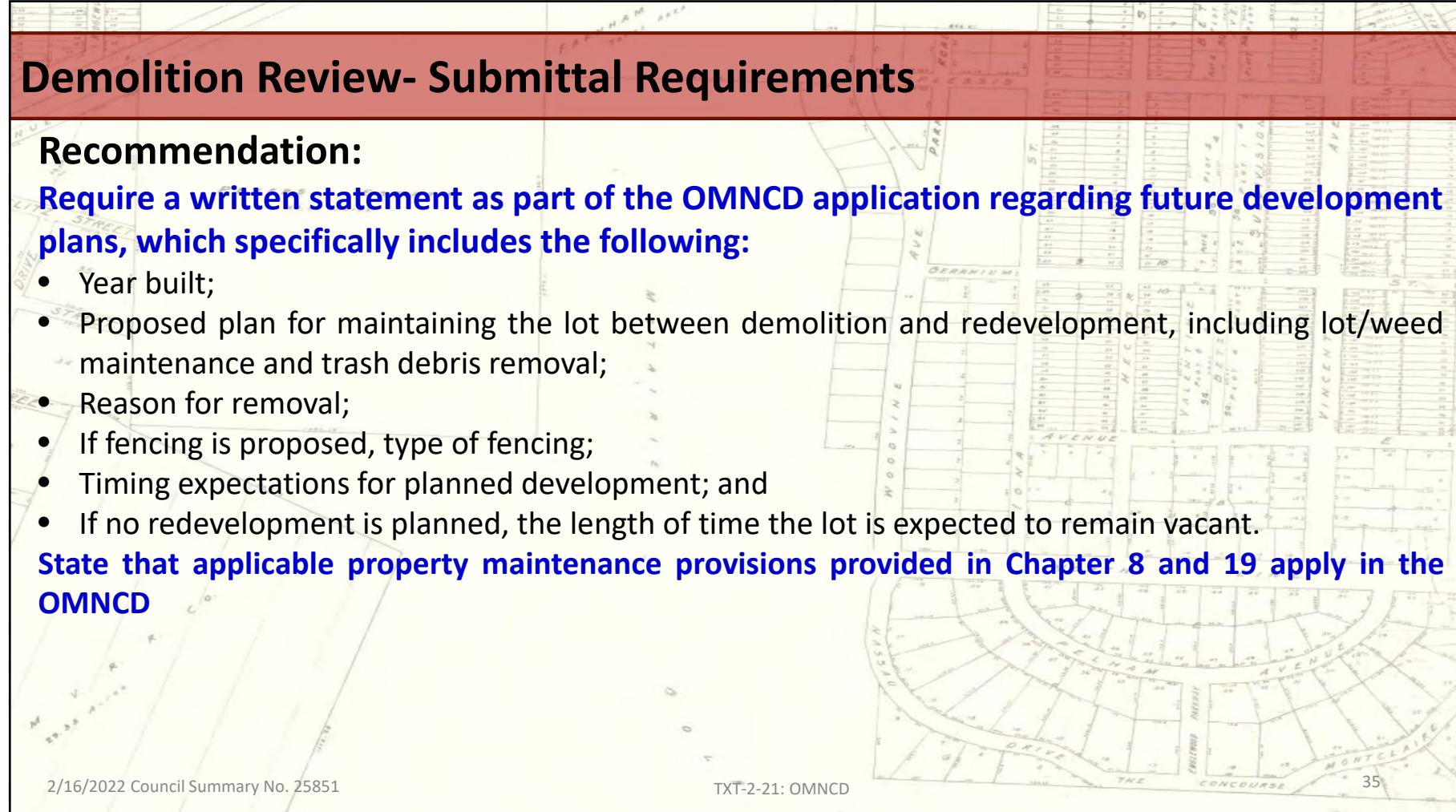
Require a written statement as part of the OMNCD application regarding future development plans, which specifically includes the following:

- Year built;
- Proposed plan for maintaining the lot between demolition and redevelopment, including lot/weed maintenance and trash debris removal;
- Reason for removal;
- If fencing is proposed, type of fencing;
- Timing expectations for planned development; and
- If no redevelopment is planned, the length of time the lot is expected to remain vacant.

State that applicable property maintenance provisions provided in Chapter 8 and 19 apply in the OMNCD

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Levels of Review: Recommendation Summary

ICE Director

- Maintain existing review duties, except:
 - Add mechanical equipment and swimming pools that meet all requirements
 - Replace reference to fences in the ROW to corner side yard

Planning Director

- Maintain existing review duties, except:
 - Clarify existing provisions for additions and alterations and add necessary specifications
 - Add:
 - changes in building materials
 - paving that meets lot coverage requirements
 - Demolition of principal structures not shown on the 1966 Sanborn maps
 - Clarify existing minor amendments to approved site plans and remove unnecessary provisions
 - Remove change in location of an approved swimming pool

OMC

- Maintain existing review duties, except:
 - Remove demolition of principal structures from purview, except when required by the Planning Director
 - Clarify that the following are under purview of the OMC:
 - Elevation projects over 3 ft. in height
 - Fences in front and corner side yard
 - Temporary chain link fencing
 - Add:
 - Paving that exceeds max. amount allowed; and
 - Any proposal that does not meet OMNCD requirements or requires BZA variance

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Sec. 33-3.65.7. Development Review

- **Renovations and additions**

- Require additions and renovations to result in greater compliance with the district regulations to the maximum extent practicable

- **Exceptions and variances**

- Distinguish BZA variances from legislative or OMC exceptions
- Require BZA variance for a fence in the corner side yard
- Treat exceptions to lot orientation as legislative or OMC exceptions instead of BZA variances
- Delete fill variance provisions which are no longer necessary with proposed removal of most fill provisions
- Clarify in Sec. 40-792 that BZA may grant appeals to decision on ICE Director related to MRTPD application (tree removal only appeals)
- Clarify general criteria for evaluating variances

- **BZA procedures**

- Maintain existing standards, but move provisions to BZA article

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Violations

Issues:

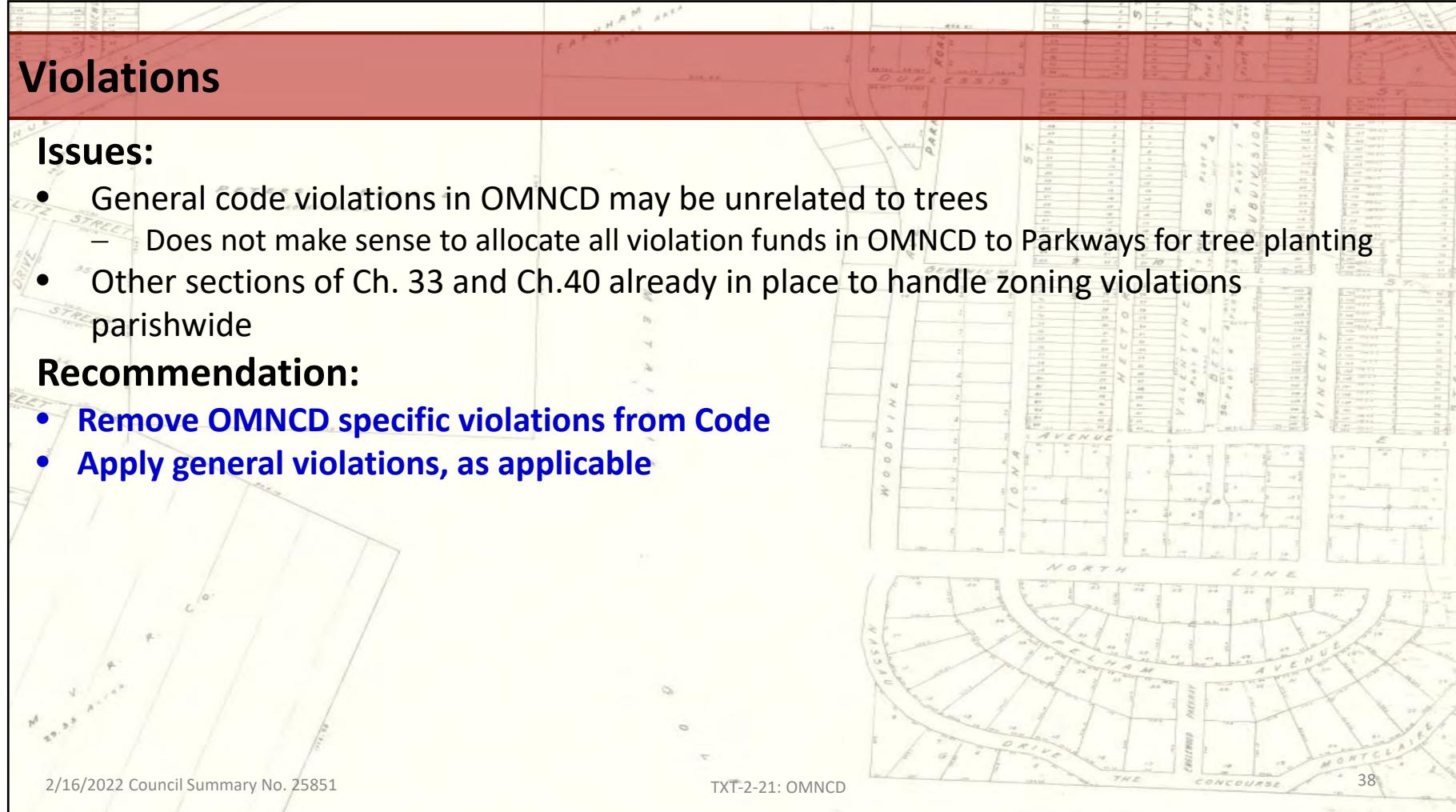
- General code violations in OMNCD may be unrelated to trees
 - Does not make sense to allocate all violation funds in OMNCD to Parkways for tree planting
- Other sections of Ch. 33 and Ch.40 already in place to handle zoning violations parishwide

Recommendation:

- Remove OMNCD specific violations from Code
- Apply general violations, as applicable

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

OMNCD Definitions

Current

Sec. 40.169 Definitions

Proposed

Integrate some definitions into general definitions provisions in Sec. 33-10.2.

Move some to district-specific definitions

Add new definition for elevated building and lot coverage

Remove unnecessary definitions

Move provisions related to building height to Sec. 33-6.7.2. Measurement

Sec. 40.169. Definitions.

The definitions listed below shall serve the purposes of the Old Metairie Neighborhood Conservation District. For definitions not specified in this subsection, Sec. 40-3. Definitions, of this chapter shall apply.

Addition shall mean a structure added to the original structure at some time after completion of the original.

Alteration shall mean any act or process that changes one (1) or more of the exterior architectural features of a structure, including but not limited to the construction, reconstruction, repair, partial demolition, or movement of any structure or part thereof. [1-15-14]

Asymmetry shall mean the lack of symmetry or balance of architectural features in a structure.

Balustrade shall mean a rail or row of posts that support it, as along the edge of a staircase.

Building coverage (footprint) shall mean the horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

Building, height of shall mean the vertical distance of the principal residential building or structure shall be measured from eighteen (18) inches above the crown of the street or base flood elevation, as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps Community No. 225199, whichever is higher, to the following points:

- (1) For gable, gambrel, and hip roofs: to the mean height between the top of the eave and top of ridge;
- (2) For flat roofs: to the highest point;
- (3) For roofs which combine pitched and flat components: if flat roof portion that is flat is less than twenty-five (25) percent of the floor area directly below, the measurement shall be taken from the midpoint between the imaginary point of intersection (of the extended pitches) and the top of the eaves;
- (4) For mansard roofs: to the highest point of the deck line or ridge.

See terms defined and depicted in the definition of *Roof* in Sec. 40-3. However,

- (1) Where a building or structure is placed within multiple flood zones, the building or structure shall be measured from the highest elevation of the flood zones or eighteen (18) inches above the crown of the street whichever is higher;
- (2) Where no base flood elevation exists, the building or structure shall be measured from eighteen (18) inches above crown of street.

Construction shall mean the erection of any improvements to a site on any parcel of ground located within the Old Metairie Neighborhood Conservation District or on a landmark site, whether the site is currently improved, unimproved, or thereafter becomes uninproved by

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

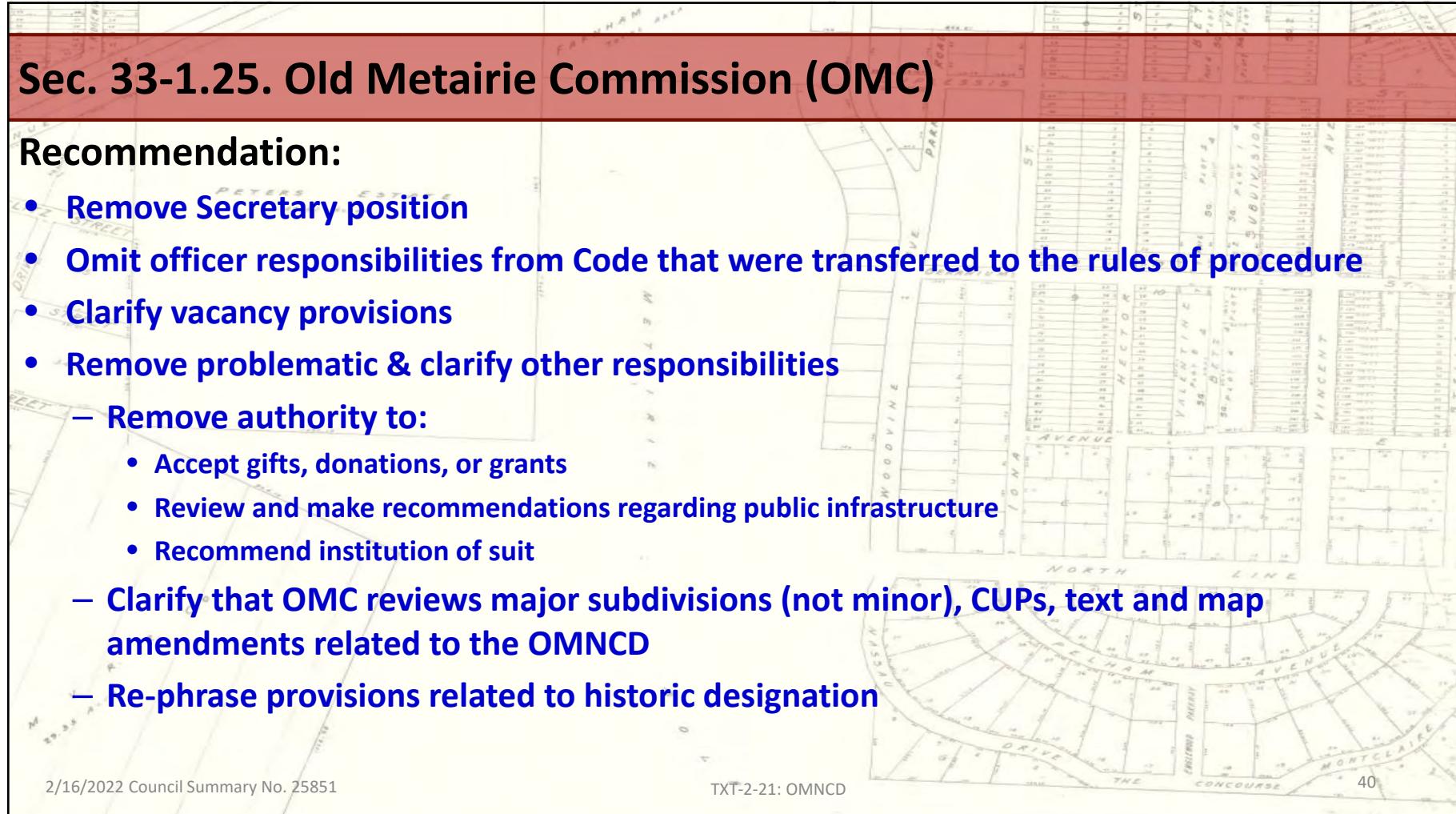
Sec. 33-1.25. Old Metairie Commission (OMC)

Recommendation:

- Remove Secretary position
- Omit officer responsibilities from Code that were transferred to the rules of procedure
- Clarify vacancy provisions
- Remove problematic & clarify other responsibilities
 - Remove authority to:
 - Accept gifts, donations, or grants
 - Review and make recommendations regarding public infrastructure
 - Recommend institution of suit
 - Clarify that OMC reviews major subdivisions (not minor), CUPs, text and map amendments related to the OMNCD
 - Re-phrase provisions related to historic designation

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Related Amendments: Appendix

Issues:

- Duplicated information in Sec. 40-171 Review procedures and appendix
- Conflict between Code and appendix
 - Code requires 20 copies, but no longer applied in practice
 - Code requires drainage plan, but appendix does not include drainage plan specifications and has not been applied in practice

Recommendation:

- **Omit duplicated information from Sec. 40-171 covered in the appendix, from the Code plus:**
 - **Exclude required # of copies and drainage plan from the Code**
- **Require a written statement as part of the OMNCD application for demolitions regarding future development plans and clarify that survey or site plan may be submitted**

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD

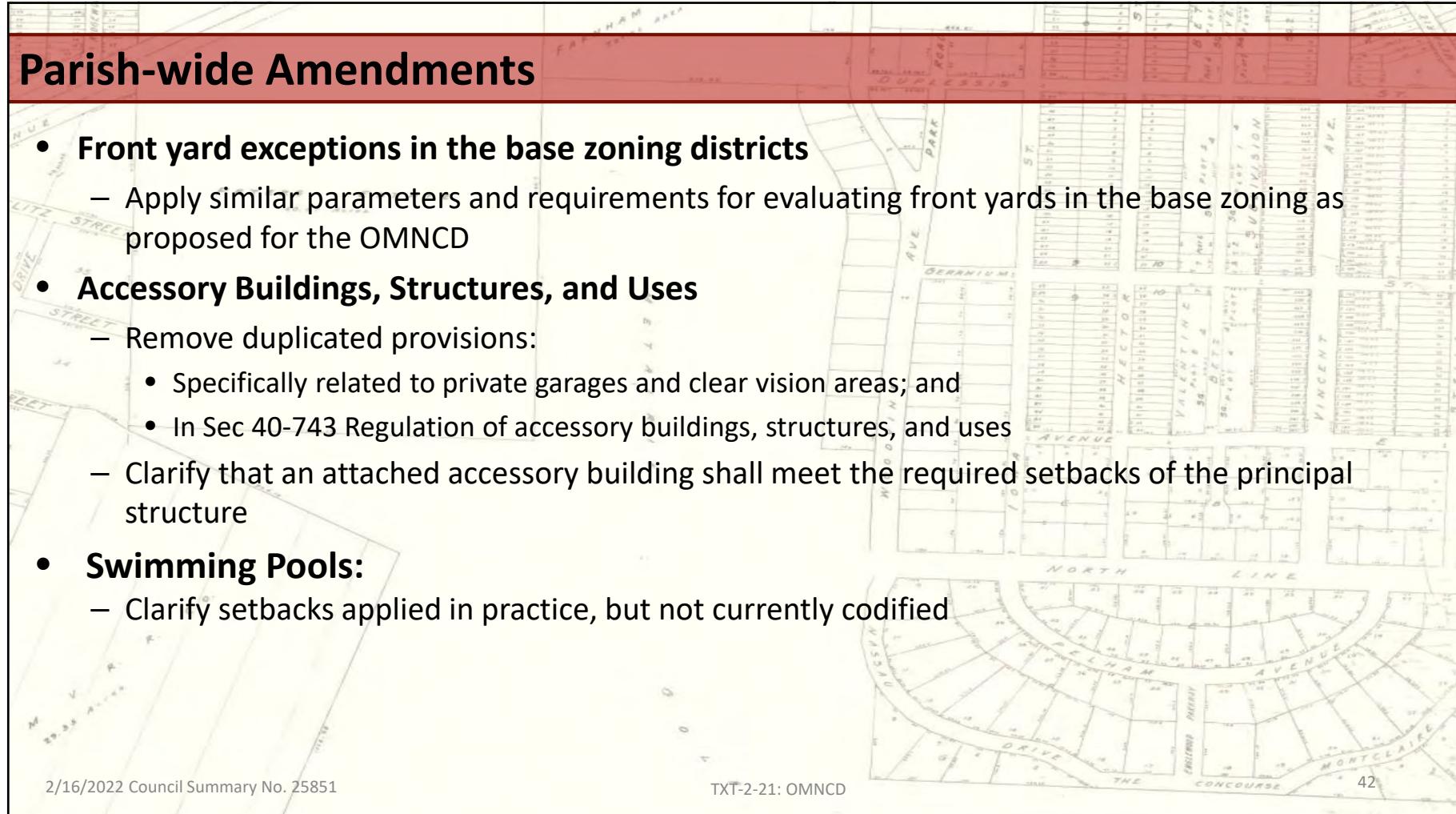
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Parish-wide Amendments

- **Front yard exceptions in the base zoning districts**
 - Apply similar parameters and requirements for evaluating front yards in the base zoning as proposed for the OMNCD
- **Accessory Buildings, Structures, and Uses**
 - Remove duplicated provisions:
 - Specifically related to private garages and clear vision areas; and
 - In Sec 40-743 Regulation of accessory buildings, structures, and uses
 - Clarify that an attached accessory building shall meet the required setbacks of the principal structure
- **Swimming Pools:**
 - Clarify setbacks applied in practice, but not currently codified

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



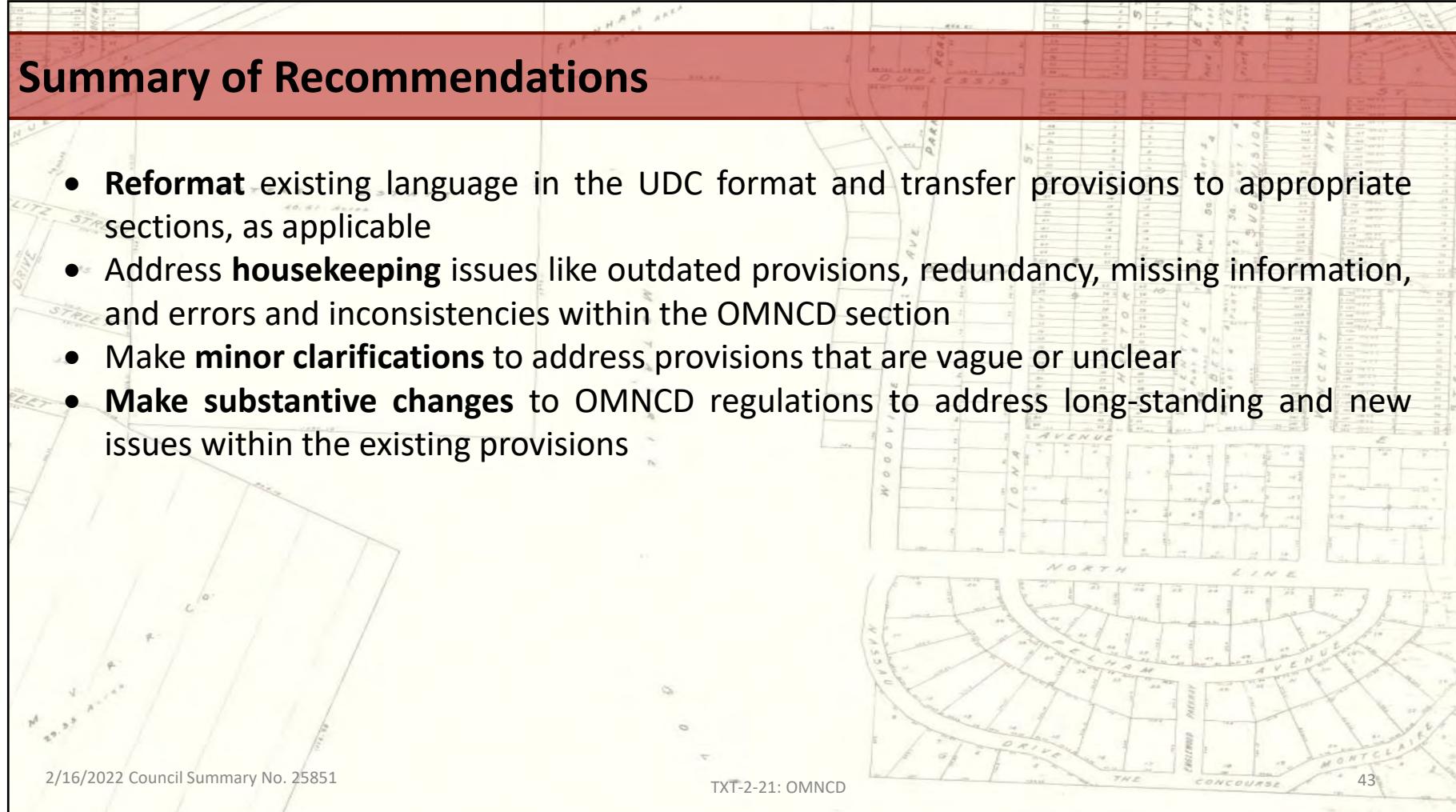
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.

Summary of Recommendations

- **Reformat** existing language in the UDC format and transfer provisions to appropriate sections, as applicable
- Address **housekeeping** issues like outdated provisions, redundancy, missing information, and errors and inconsistencies within the OMNCD section
- Make **minor clarifications** to address provisions that are vague or unclear
- Make **substantive changes** to OMNCD regulations to address long-standing and new issues within the existing provisions

2/16/2022 Council Summary No. 25851

TXT-2-21: OMNCD



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.