

On motion of Ms. Lee-Sheng, seconded by Mr. Lagasse, the following ordinance was offered:

SUMMARY NO. 23897 ORDINANCE NO. 24640

An ordinance to amend Chapter 40 Zoning, more particularly Article X Old Metairie Neighborhood Conservation District (OMNCD), of the Code of Ordinances of the Parish of Jefferson, to clarify and amend regulations that address bulk and mass of residential structures within the OMNCD including massing angles and structure height; and procedures for review and exclusion including requirements for application and site plan submittal and revision. (Council District 5)

WHEREAS, Resolution No. 118902, as amended by Resolution Nos. 119705, 120320, and 120417 authorized the Planning Department and Planning Advisory Board with the intent of establishing regulations that address bulk and mass of residential structures within the OMNCD including but not limited to floor area ratio, bulk plane, structure height, and lot coverage; and amending procedures for review and exclusion; and

WHEREAS, several revisions and amendments have been made to the Old Metairie Neighborhood Conservation District regulations since their creation, as is common to municipal codes to reflect an ever changing built environment; and

WHEREAS, many items in the regulations need to be clarified and the development of certain new regulations is necessary to help further the purpose of this district; and

WHEREAS, the traditional setbacks and height regulations of the large lot districts deal excellently with one story ranch style home, but lack the needed standards to regulate the bulk of dwellings that exceed one story; and

WHEREAS, homes built to the maximum permitted height can be very looming to neighboring properties; and

WHEREAS, the side-yard massing angle interim regulations were adopted and extended to determine their effectiveness over the study's timeframe and have now been successfully applied to many new construction cases and have proven to be an effective tool for controlling the mass of a structure as it is perceived from the side lot line; and

WHEREAS, various other amendments to the OMNCD needed to be made to clearly delineate the review responsibilities between the Planning Department, the Old Metairie Commission, and the Department of Inspection and Code Enforcement; and

WHEREAS, the recommended amendments reflect the long-term goals of protecting the natural and aesthetic value of the Old Metairie Neighborhood Conservation District; and

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

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Chapter 40. Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), Sec. 40-167. Structure, be amended to read as follows:

The Old Metairie Neighborhood Conservation District shall be in the form of an overlay zone, in addition to and superseding the underlying zoning district. Between the Old Metairie Neighborhood Conservation District and the underlying zoning district, the

more restrictive regulations shall prevail. The Old Metairie Commission shall be established to review certain development within the Old Metairie Neighborhood Conservation District relative to the regulations, requirements and standards set herein. No permit for demolition, construction or new development, addition, or alteration which affects a site or structure within the Old Metairie Neighborhood Conservation District and which is not listed in Sec. 40-170(2)b. Development activities not under the purview of the Old Metairie Commission, shall be issued by the Department of Inspection and Code Enforcement without review by the Old Metairie Commission and approval of the development proposal by the Council.

SECTION II. That Chapter 40. Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), Sec. 40-169. Definitions, be amended to read as follows:

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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.

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

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Development shall mean the completion of any structure, the division of land into two (2) or more parcels and the creation or termination of rights of access, rights-of-way or servitude.

- (1) The following activities or uses shall constitute development as defined in this article:
 - a. Demolition of a structure;
 - b. Removal of trees which triggers a tree removal permit as is required by the tree preservation requirements of this district;
 - c. Construction, addition, or alteration which causes changes in the size or external appearance of a structure or land including any adjustments to lot grade such as filling or cutting soil;
 - d. Increase in the intensity of the use of land, including but not limited to increases in the number of dwelling units or impervious surfaces and;
 - e. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of an ordinance, rule or order under which the development was initiated or allowed to continue.
- (2) The following activities or uses do not constitute development for the purposes of this article:
 - a. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior, color, or exterior decoration of the structure which does not otherwise change the external structural appearance of the structure and;
 - b. The creation or termination of servitudes, easements, covenants or other rights in land not involving development or affecting the character of the neighborhood conservation district.

Development activity shall mean any development including demolition, construction, alteration or addition within the Old Metairie Neighborhood Conservation District which may affect the district character and subject to review by the Old Metairie Commission relative to appropriateness for the district.

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Side-Yard Massing Angle shall mean the forty-five (45) degree angle measured at the following heights above Base Flood Elevation (BFE):

- a. R-1A Single-Family Residential District: eighteen (18) feet
- b. R-1B Suburban Residential District: sixteen (16) feet
- c. R-1C Rural Residential District: fourteen (14) feet
- d. R-1D Rural Residential District: twelve (12) feet

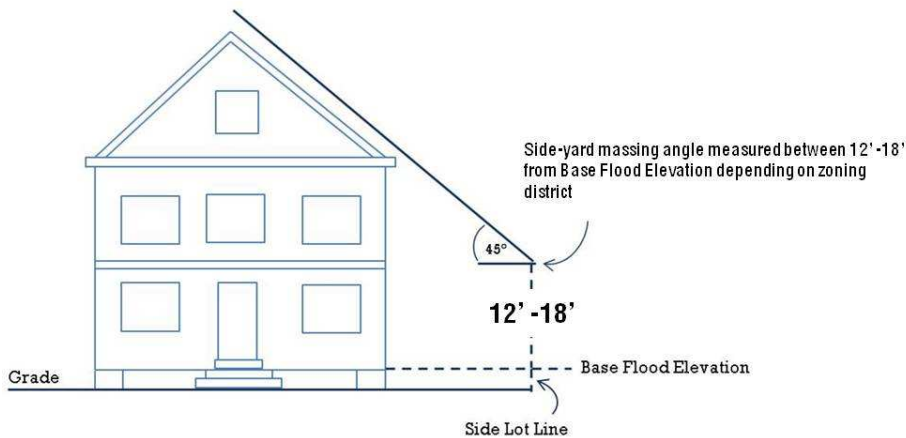


Figure 40.169.2. *Side-Yard Massing Angle* illustration

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SECTION III. That Chapter 40. ZONING, Article X. Old Metairie Neighborhood Conservation District (OMNCD), Sec. 40-170. Old Metairie Commission (OMC), be amended to read as follows:

The Old Metairie Commission is hereby created to make recommendations to carry forth the purposes of the Old Metairie Neighborhood Conservation District.

- (1) *Commission structure.*
 - a. *Membership/appointment.* The Old Metairie Commission shall consist of six (6) members. Four (4) members shall be nominated by the Parish President and ratified by the Jefferson Parish Council via Councilmanic resolution. The President of the Metairie Club Gardens Association or a designee shall serve as an ex officio member of the Commission. The Planning Director or a designee shall be a non-voting ex officio member of the Commission.
 - b. *Qualifications of appointed members.*
 - 1. Three (3) Old Metairie Commissioners shall be residents of the Old Metairie Neighborhood Conservation District; and
 - One (1) member shall be an architect or a planner with experience in the Greater New Orleans Area.
 - c. *Terms of appointed members.*

1. *Length of terms.* Each of the commissioners shall be appointed for a term of four (4) years. The Old Metairie Commission members may serve consecutive terms.
 2. *Term limitations.* Appointed members of the Old Metairie Commission shall be limited to serving a maximum of two (2) consecutive terms. A member appointed to serve the remainder of an unfinished term may serve two (2) subsequent consecutive full terms if two years or less were served during the unfinished term.
- d. *Vacancies.* Should a member of the Old Metairie Commission resign, be removed, or otherwise no longer qualify for membership, a successor shall be appointed to fill the time remaining in the term. Notwithstanding anything to the contrary, an appointed member may continue to serve until a successor has been duly appointed. If the same appointed member is reappointed for a second term, then the second term shall be retroactive to the expiration of the first term.
- e. *Compensation.* All appointed members of the Old Metairie Commission shall serve without compensation.
- f. *Ethical standards.*
1. No person who has pending action before any agency of the Parish of Jefferson, such as an application for demolition, addition, alteration, or construction of any new building within the Old Metairie Neighborhood Conservation District shall be eligible for appointment to the Old Metairie Commission.

No member shall participate in a transaction before the Old Metairie Commission in which he has a personal economic interest nor participate or be interested in any transaction before the Commission when a violation of the State of Louisiana Code of Ethics would result or when a violation of the ethical standards of the Jefferson Parish Code of Ordinances would occur.
 3. No member of this Commission shall be prohibited from being availed of all rights and privileges set forth in the Jefferson Parish Code of Ordinances with regard to repair and maintenance of said member's residence, not in conflict with this ordinance.
- g. *Commission officers.* Officers shall be elected from the voting members of the Old Metairie Commission and shall have the following responsibilities:
1. *Chairman.* The Chairman shall call for meetings of the Old Metairie Commission, shall preside over all Commission meetings, shall cause to be kept an accurate record of all Commission meetings, and shall ensure that all meeting records and supporting documentation are kept on file.
 2. *Vice-chairman.* The Vice-chairman of the Old Metairie Commission shall act in the absence of the Chairman and/or Secretary.

3. *Secretary.* The Secretary of the Old Metairie Commission shall notify applicants of the Commission meetings, shall be responsible to the Chairman for the proper recording of the minutes and that all files are maintained, shall forward to the Parish Council a copy of the minutes of each Commission meeting and Commission recommendations, and shall notify the parish council ninety (90) days prior to the expiration of any Commission member term.
 4. *Legal advisor.* The Old Metairie Commission shall receive the legal advice and guidance from the Parish Attorney's office.
- (2) *Duties and responsibilities.* The Old Metairie Commission shall be charged with the following duties and responsibilities:
- a. *Development activities under the purview of the Old Metairie Commission.*
 1. The Old Metairie Commission shall conduct public hearings regarding development within the Old Metairie Neighborhood Conservation District, including requests for demolition, construction or new development, alteration, and addition within the Old Metairie Neighborhood Conservation District. For the purposes of this District, only developmental activities which require permits to be issued by the Parish of Jefferson or involve any adjustments to lot grade such as filling or cutting soil and which are not listed in paragraph b. Development activities not under the purview of the Old Metairie Commission, shall be under the advisory jurisdiction of the Old Metairie Commission. For a demolition, construction, addition, or alteration proposal deemed appropriate to the Old Metairie Neighborhood Conservation District, the Old Metairie Commission shall make a recommendation regarding the proposal to the Jefferson Parish Council. Nothing in this section shall be construed to prevent: ordinary maintenance or repairs, construction, reconstruction, alteration or demolition of any feature which is required by public safety due to an unsafe or dangerous condition.

Development activities not under the purview of the Old Metairie Commission.

Any development activity meeting the criteria established in this section shall not be subject to Old Metairie Neighborhood Commission review and may be submitted to the Planning Director or the Director of Inspection and Code Enforcement, as applicable, for administrative review and approval subject to the requirements of this section.

 - i. The Planning Director may approve the following activities:
 - a. An addition to the principal structure that does not exceed ten (10) percent of the gross floor area of the principal structure or any addition to an accessory structure; however, only one (1) addition to the principal structure may be

administratively approved every five (5) consecutive years. Additional changes in the five (5) year period shall require Old Metairie Commission review.

- b. An alteration to the principal structure that does not exceed twenty-five (25) percent demolition of the principal structure or twenty-five (25) percent alteration of the area of the roof or an individual façade of the principal structure or any alteration to an accessory structure; however, only one (1) alteration to the principal structure may be approved administratively every five (5) consecutive years. Additional changes in the five (5) year period shall require Old Metairie Commission review.
 - c. The Planning Director may authorize minor changes to approved plans through the site plan review and approval process if the minor changes do not alter the overall characteristics of the plan or create adverse impacts on adjacent uses or public services and facilities. Minor changes include the following amendments:
 - A. Changes in 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; or
 - B. 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; or
 - C. Changes in the location of sidewalks and pathways, provided there is no reduction in pedestrian mobility; or
 - D. Changes in the location of an approved swimming pool provided all tree preservation requirements are met; or
 - E. 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.
 - d. If the Planning Director determines that the proposed development activity may not support the purposes of the Old Metairie Neighborhood Conservation District, then the application shall be reviewed by the Old Metairie Commission.
- ii. The Director of Inspection and Code Enforcement may approve the following activities:
- a. Interior renovation, ordinary repairs, or standard maintenance.
 - b. Fences meeting all requirements of the Old Metairie Neighborhood Conservation District and of this Code, except for fences located in the front yard or in a public right-of-way.
 - c. Demolition of accessory structures and fences.

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SECTION IV. That Chapter 40. Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), Sec. 40-171. Review procedures, be amended to read as follows:

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(a) *General.*

- (1) Requests for permits for demolition, construction or new development, addition, or alteration within the Old Metairie Neighborhood Conservation District, shall be submitted to the Old Metairie Commission, the Planning Department or the Department of Inspection and Code Enforcement, as applicable. Requests submitted for Planning Department review or Old Metairie Commission review shall follow the review procedures herein. For development activities under the purview of the Old Metairie Commission, the Commission shall hold a public hearing to determine whether the proposal meets the intent of the Old Metairie Neighborhood Conservation District.
- (2) Application to schedule a public hearing for development activity affected by the Old Metairie Neighborhood Conservation District shall be accepted by the Jefferson Parish Planning Department on behalf of the Old Metairie Commission.
- (3) Following the public hearing, the Old Metairie Commission shall make a recommendation regarding the development proposal to the Jefferson Parish Council.
- (4) All site plans and building elevations shall be prepared and certified by an architect licensed in the state of Louisiana.

(b) *Pre-application conference.* Prior to submitting an application, it is recommended that the applicant(s) or a designated representative meet with Planning Department staff to review the proposal in a pre-application conference.

(c) *Application for review of development activities.* An application for review of development activities within the Old Metairie Neighborhood Conservation District shall be submitted to the Jefferson Parish Planning Department and shall include one (1) copy of the application form and twenty (20) copies of the following unless otherwise specified:

- (1) *Interest and ownership.* The applicant's name, address and interest in the application and the name, address and interest of any firm or corporation represented by the applicant in the application; the concurrence of the owners of the entire land included in the proposal; sufficient evidence, in the form of an ownership affidavit, to establish that the applicants are all owners of the designated property.
- (2) *Legal description.* The lot, square, parcel and subdivision name, bounding streets and rights-of-way servitude of the petitioned property.
- (3) *Scope of work.* A written description of the proposal located within the Old Metairie Neighborhood Conservation District, including whether work includes demolition, construction or new development, alteration, addition, change in square footage, removal of trees and/or changes of use.

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- (6) *Affidavit of property owners.* An affidavit listing the names and addresses of property owners within three hundred (300) feet measured radially from the lot lines of the subject property for development activity under the purview of the Old Metairie Commission.
- (7) *Demolition of existing structures.* If the proposal includes demolition of any principal structure within the Old Metairie Neighborhood Conservation District, the reasons for demolition shall be stated. A site plan drawn to scale indicating the structures proposed for demolition and denoting the square footage of those structures with all dimensions clearly shown shall be required.
- (8) *Construction or new development.* If the proposal includes construction or new development within the Old Metairie Neighborhood Conservation District, the application shall include the following:
- a. A twenty-four inch by thirty-six inch site plan drawn to scale showing the location of all proposed structures, driveways and sidewalks, square footage of all structures, square footage of all accessory structure footprints, square footage of the rear yard, a calculation showing the percentage of rear yard covered by the cumulative square footage of all accessory structure footprints, front, rear, and side yard setbacks, and all setbacks from significant trees and public rights-of-way with all dimensions clearly shown on the site plan.
 - b. Twenty-four inch by thirty-six inch elevation drawings of proposed structures drawn to scale indicating the architectural style, materials, height including base flood elevation, elevation of top of the floor of the lowest livable area, elevation of the top of the foundation, flood elevation measurement and height allowance utilized by applicant if applicable, elevation of the centerline of the street, elevation of existing grade, slope of and elevation of proposed driveway(s), elevation of proposed lot grade, and the façade massing angle with all dimensions clearly shown on each required elevation.
 - c. Twenty-four inch by thirty-six inch floor plans with the use of each room clearly labeled and all dimensions clearly shown on each required floor plan. Floor plans submitted to the Old Metairie Commission shall contribute solely to the better understanding of projects within the district and are not subject to a recommendation by the Commission.
 - d. A drainage plan, with all dimensions, signed and affixed with a seal of a state licensed civil engineer, engineer, architect, or landscape architect.
- (9) *Elevation of, additions to, or alterations of existing structures.* If the proposal includes elevation over three (3) feet, additions to, or alterations of existing structures within the Old Metairie Neighborhood Conservation District, the application shall include the following:
- a. A general statement of the purpose of the additions or alterations shall be required.
 - b. A twenty-four inch by thirty-six inch site plan drawn to scale showing the addition or alteration in relation to the existing buildings

on the site, driveways, sidewalks and all setbacks from rights-of-way, square footage of all structures, the square footage of all accessory structure footprints, square footage of the rear yard, a calculation showing the percentage of rear yard covered by the cumulative square footage of all accessory structure footprints, setbacks from any significant trees, and front, rear, and side yard setbacks with all dimensions clearly shown on the site plan.

- c. Twenty-four inch by thirty-six inch elevation drawings of proposed structures drawn to scale indicating the architectural style, materials, height including base flood elevation, elevation of the top of the floor of the lowest livable area, elevation of the top of the foundation, flood elevation measurement and height allowance utilized by applicant if applicable, elevation of the centerline of the street, elevation of existing grade, slope of and elevation of proposed driveway(s), elevation of proposed lot grade, and the façade massing angle with all dimensions clearly shown on each required elevation.
 - d. Twenty-four inch by thirty-six inch floor plans with the use of each room clearly labeled and all dimensions clearly shown on each required floor plan. Floor plans submitted to the Old Metairie Commission shall contribute solely to the better understanding of projects within the district and are not subject to a recommendation by the Commission.
 - e. A drainage plan, with all dimensions, signed and affixed with a seal of a state licensed civil engineer, engineer, architect, or landscape architect.
- (10) *Graphic materials.* One (1) copy of an eleven-inch by seventeen-inch graphic reduction of all scaled plans and drawings submitted with the application shall be required.
- (11) *Tree protection and landscape plan.* All submittals required by the tree preservation requirements of this district, including but not limited to a twenty-four inch by thirty-six inch landscape plan dimensioned and drawn to scale showing the front yard landscaping, tree planting, and, if applicable, terraced or elevated planting beds including location, elevation, and soil stabilization.
- (12) *Affidavit of campaign contributions.* A notarized affidavit in accordance with Chapter 2 of this Code regarding campaign contributor disclosure for land use action for development activity under the purview of the Old Metairie Commission.
- (13) Any other information as required by the Parish of Jefferson, depending on the nature and extent of the development proposal.
- (d) *Minimum submittal requirements to begin reviewing an application.* The following information must be submitted before the planning director may find that an application is complete to begin reviewing: [12-7-11]
- (1) Application Summary Sheet
 - (2) Ownership Affidavit
 - (3) Campaign Contribution Disclosure Affidavit, when applicable

- (4) Survey
- (5) Site Plan, floor plan, building elevations, and tree preservation plan
- (6) Fees
- (e) *Fees for Old Metairie Neighborhood Conservation District Review.* The fee required of the applicant to cover the administrative costs of review of development activity under the purview of the Old Metairie Commission or the Planning Director within the Old Metairie Neighborhood Conservation District shall be one hundred dollars (\$100.00) per application. For development activity under the purview of the Old Metairie Commission the applicant shall also cover the costs of the notice of public hearing for advertisement in the official legal journal for the Parish and the surrounding property owners. Checks shall be forwarded to the Planning Department and made payable to the Jefferson Parish Pooled Fund.
- (f) *Review of development activities within the Old Metairie Neighborhood Conservation District.* The Planning Department shall coordinate site plan review of the development proposal within the Old Metairie Neighborhood Conservation for development under the purview of the Old Metairie Commission or the Planning Director. The Land Use Review Technical Committee (LURTC) shall provide the Planning Department with all written technical information relative to the proposal prior to the public hearing. For development activities under the purview of the Old Metairie Commission, the Planning Department shall recommend to the Old Metairie Commission as to whether the proposal meets the Old Metairie Neighborhood Conservation District regulations and forward all findings from the administrative departments.
- (g) *Hearing.* Each complete application shall be assigned a case or docket number. If the development activity is under the purview of the Old Metairie Commission, after evaluation of the development proposal in compliance with the review procedures of this section, the Planning Department shall advertise the application for the next available Old Metairie Commission hearing. The commission shall conduct a hearing which shall be open to the public and at which all interested parties and citizens shall have an opportunity to be heard.

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- (i) *Procedure; meetings.*
 - (1) *Rules of procedure.* The Commission shall adopt rules of procedure not in conflict with any state law or Parish ordinance.
 - (2) *Representation.* Any party may appear in person or by agent or by attorney.
 - (3) *Meetings.* Meetings of the board shall be held on call of the Chairman of the board or on call of a majority of the members of the board. All meetings of the board shall be open to the public.
 - (4) *Minutes/records.* The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official action all of which shall be filed immediately in the office of the Planning Department and shall be public record.
 - (5) *Cancellation and rescheduling of meetings.*

- a. A meeting of the Commission shall be canceled if a quorum consisting of three (3) voting members, excluding the Planning Director, is not present or if a representative of the Planning Department is not present.
 - b. During times of great public crises, disaster, rioting, catastrophe, severe weather conditions or similar public emergency, the Chairman of the Commission may cancel a meeting of the Commission at which a public hearing is scheduled.
 - c. The public hearing for all cases on the docket of Commission so canceled shall be held at the next scheduled public hearing meeting of the Commission.
 - d. Notice of the original hearing shall constitute notice of the rescheduled hearing. The Chairman may also disseminate notice of the cancellation and rescheduling through any available public information service during the emergency situation.
- (j) *Site plan revisions required after Old Metairie Commission hearing.* If as a result of a public hearing the Old Metairie Commission requires revisions to a plan or elevation, the applicant shall submit the revised plan or elevation, including the revision date, to the Planning Department with a letter in the form of a notarized affidavit listing all revisions shown on the revised plan or elevation and verifying that no other revisions are shown on the plan or elevation. The architect, landscape architect, landscape contractor, or arborist as applicable shall sign the affidavit and include the number of his or her license to practice in the state of Louisiana. The Planning Department shall review the revisions for completeness, and upon finding of completeness shall forward the revised plan or elevation for the Commission Chairman's signature.
- (k) *Recommendation to the Jefferson Parish Council.* Within forty-five (45) days of the public hearing and upon consideration of the proposed development activity within the Old Metairie Neighborhood Conservation District in relation to the district regulations and standards, the Old Metairie Commission shall render a recommendation. Recommendation for approval or denial of the application shall be forwarded to the Jefferson Parish Council for action.
- (l) *Consideration of development proposals within the Old Metairie Neighborhood Conservation District by the Jefferson Parish Council.* Within ten (10) days from the date of the Old Metairie Commission recommendation rendered on a development proposal within the Old Metairie Neighborhood Conservation District, the Planning Department shall forward the Old Metairie Commission recommendation to the Jefferson Parish Council. The Council may consider the Old Metairie Commission recommendation at the next Council meeting, but in any event not more than forty-five (45) days thereafter. Final action by the Council shall be in the form of Councilmanic resolution through the consent agenda.
- (m) *Compliance with approved site plans and elevations.* Construction shall conform to the approved site plans and elevations. Adjustments, alterations, or amendments to an approved plan or elevation drawing shall follow the same procedure as the initial approval. If the property owner or applicant deviates from the approved plans or elevations without the approval of the Planning Director, Code Enforcement Director, Old Metairie Commission, or Council, as applicable, the parish may take any action as may be deemed appropriate in accordance with the remedies and penalties of Section 33-1.15 of this Code, including, but

not limited to, the withholding or denying of the certificate of occupancy or completeness for structures not built in accordance with the approved plans or elevations, or for development activities without permit or inconsistent with any permit or any term, condition, or qualification placed upon any permit.

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SECTION V. That Chapter 40. Zoning, Article X. Old Metairie Neighborhood Conservation District (OMNCD), Sec. 40-172. Design guidelines, be amended to read as follows:

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- (1) *General elements.* The general elements of the design guidelines for the Old Metairie Neighborhood Conservation District contained herein shall be intended primarily for review of residential structures within the Old Metairie Neighborhood Conservation District. The general design guidelines may be applied to other land uses when appropriate.

a. *For all structures.*

1. *Setbacks and streetscape.* The Old Metairie Neighborhood Conservation District shall preserve the open character of the area or streetscape, established by the generally uniform setback of structures from the street and from other structures on both sides of the street within a linear distance of five hundred (500) feet.

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2. *Height.* To encourage harmonious residential development within the Old Metairie Neighborhood Conservation District and to prevent structures from overwhelming their surroundings, the following height regulations shall apply:

i. *Flat Roofs.*

- A. Balustrades and other decorative railings with open design may exceed the maximum building height permitted in this Article only as high as needed to meet requirements of applicable building codes.
- B. Equipment, including but not limited to air conditioning units, skylights, solar panels, and vents, may exceed the maximum building height permitted in this Article but shall be set back from the edge of the roof a minimum of one (1) foot for each one (1) of equipment height.
- C. Decorative elements, including but not limited to finials and weathervanes, that are determined by the Planning Director to be minor or incidental to the structure may not be included in the overall height measurement of a structure. Structural decorative elements, including but not limited to domes, turrets, and

cupolas shall not exceed the maximum height allowed for the principal structure.

- D. Chimneys shall be no taller than the minimum required by the applicable building codes for the termination of chimneys.

ii. *Sloped Roofs.*

- A. Equipment, including but not limited to air conditioning units with required platform and rails, shall be located below the midpoint of the roof. Solar panels and vents may be located above the midpoint of a sloped roof but shall project from the roof only as high as required by applicable building codes.
- B. Decorative elements, including but not limited to finials and weathervanes, that are determined by the Planning Director to be minor or incidental to the structure shall not be included in the overall height measurement of a structure. Structural decorative elements, including but not limited to domes, turrets, and cupolas shall not extend higher than the ridge height of the largest portion of the roof.
- C. Chimneys shall be no taller than the minimum required by the residential building code for the termination of chimneys when located above the ridge of the largest portion of the roof.

- 3. *Mass.* To encourage development that is similar to and compatible with the existing structure and neighboring structures, the following regulations shall apply:

i. *Relating to existing structures.*

- A. Any addition to a structure shall preserve the existing symmetry or asymmetry and shall incorporate roof style and pitch compatible with the existing structure.
- B. The vertical or horizontal proportion of the building mass of the structure shall be preserved.

ii. *Relating to neighborhood structures.*

- A. The proportion of the structure after alteration or construction shall be compatible with surrounding structures and development sites located on the same side of the street as the petitioned property within a linear distance of three hundred (300) feet from both sides of the petitioned property as measured along the street frontage from the nearest side property line.
- B. Compatibility review shall include the evaluation of rooflines, setbacks, the relationship between structures located on surrounding development sites and the location

of proposed structures as they related to existing structures located on abutting properties.

iii. *Proposed structures and additions.*

- A. No part of a proposed structure or addition to an existing structure, except for minor or incidental projections, shall penetrate the lot's façade massing angle and side-yard massing angles.
- B. If the lot width of an established residential site does not meet the minimum lot width requirements of the zoning district, the site shall be subject to the side-yard massing angle requirements of the following corresponding range, which shall supersede the setback requirement provisions of the underlying zoning district:
 - I. Less than 55 feet: R-1A Side-Yard Massing Angle Requirements
 - II. 55 feet to less than 70 feet: R-1B Side-Yard Massing Angle Requirements
 - III. 70 feet to less than 80 feet: R-1C Side Yard Massing Angle Requirements
- C. Minor or incidental projections as determined by the Planning Director include but shall not be limited to chimneys, ornamental vents, and dormers.
- D. Gable walls may penetrate a lot's side-yard massing angle only at a point at which the roof has a slope between 7:12 and 12:12. See Figure 40.172.1.

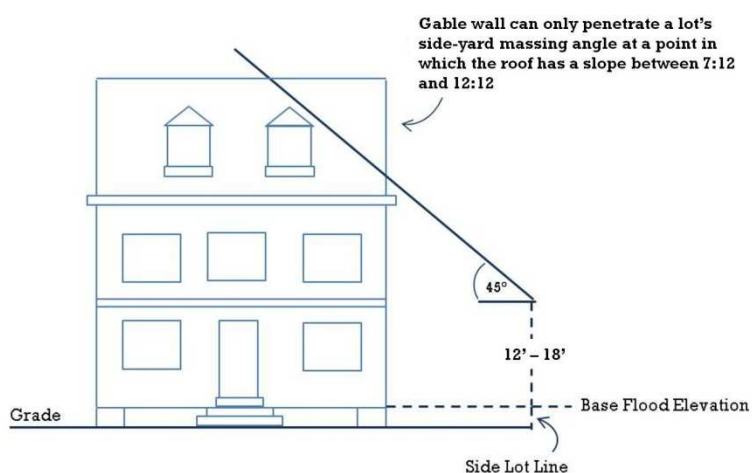


Figure 40.172.1. Side-Yard Massing Angle gable wall exception illustration

4. *Exterior materials and design.* To encourage development that is consistent in character with the existing structure on the site, and to promote architecture that is in harmony with

the character of the district and traditional regional architecture, the following regulations regarding finishes shall apply to new development and additions or repairs of significant structures:

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- 5. *Additions and accessory structures.* Additions such as porches, fences and decks and accessory structures to the primary structure within the Old Metairie Neighborhood Conservation District may be permitted subject to coordination with the streetscape and the design guidelines of this district.
 - i. *Garages and carports.* New garages and carports shall incorporate design guidelines stated herein to relate architecturally to the existing, primary structure served within the Old Metairie Neighborhood Conservation District.
 - ii. *Fences.*

A. *In General.*

- I. Fences shall be permitted in the front yard of structures within the Old Metairie Neighborhood Conservation District after review and recommendation of the Old Metairie Commission and the granting of the variance by the Board of Zoning Adjustments, provided an open design in a durable material is used. 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 of the Old Metairie Neighborhood Conservation District except as provided for in the Temporary Fencing section of this article.

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- 6. *Public infrastructure.* Public infrastructure shall refer to utilities and public works within public view of the Old Metairie Neighborhood Conservation District, including but not limited to street light standards, utility poles, street paving, fire hydrants, tree planting, parkways and sidewalks. The Old Metairie Commission may make recommendations that the public infrastructure reinforce the character of the district, however, all public infrastructure within the Old Metairie Neighborhood Conservation District shall be consistent with the needs of public health, safety and welfare and cost considerations. All materials for public utilities and public works shall conform to standard parish specifications. Any recommendation to install materials or employ an alternate method of construction which exceeds this standard shall only be made if the Old Metairie Neighborhood Conservation District bears the difference in expense from funds donated to the District. Any review of a

public project shall not exceed thirty (30) days.

7. *New construction.* New construction shall contribute to the character of the Old Metairie Neighborhood Conservation District as identified by design guidelines. New construction need not imitate historic structures and may be an expression of present time.

* * *

- (2) *Neighborhood elements.* The neighborhood elements of the design guidelines for the Old Metairie Neighborhood Conservation District contained herein shall include characteristics unique to Old Metairie which define the ambience of the area and merit special consideration.

- a. *Tree preservation.* The Old Metairie Neighborhood Conservation District shall recognize the critical contribution of the vast number of large trees and the tree canopy to the character of the district. To ensure adequate tree preservation, the following regulations shall be enforced:

1. *Preservation District Regulations.* All development shall comply with the tree preservation regulations of Article X.5 Metairie Ridge Tree Preservation District (MRTPD) except for the following:

- i. Tree preservation as part of development activity under the purview of the Old Metairie Commission or the Planning Director:

- (1) Tree preservation associated with applications for demolition, construction or new development, alteration, or addition 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; and

- (2) The review and approval process for tree preservation shall follow standard OMNCD procedures; and

- (3) The uncontested tree removal area regulations of Sec 40-180(d) shall not apply.

- ii. Requests for Tree Removal Only Applications. Applications for tree removal only in the OMNCD shall follow the same procedure as outlined in Sec. 40-181, including submittal requirements, deadlines, and fees. If the Parish Arborist determines that the requested tree(s) should not be removed, the applicant must submit an application to the Planning Department for Old Metairie Commission review.


- iii. 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 Metairie Ridge Tree Preservation District, and third priority

given to Council District Five (5). Payments shall be paid prior to the Old Metairie Commission forwarding its recommendation to the Jefferson Parish Council.

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

YEAS: 6 NAYS: None ABSENT: (1) Roberts

This ordinance was declared to be adopted on the 15th day of January, 2014, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL