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

**SUMMARY NO. 23846 ORDINANCE NO.**

An ordinance to amend Chapter 36, Traffic and Motor Vehicles, and Chapter 40, Zoning, of the Code of Ordinances of the Parish of Jefferson, by establishing regulations for the on- and off-street parking of commercial vehicles and trailers in residential districts and residential developments sites, including reorganizing, deleting, adding, and amending definitions; and updating and clarifying language to establish consistency. (Parishwide)

WHEREAS, in July of 2009, the Planning Director initiated a study to examine the regulations for commercial and oversized vehicles in residential districts and to provide for related matters; and

**WHEREAS**, Council Resolution No. 89721, authorized the Planning Department and the Planning Advisory Board to study regulations for the overnight parking of trucks and/or trailers licensed to carry a gross weight in excess of 3,500 pounds and to provide for related matters; and

WHEREAS, amendments address issues associated with the parking and storage of trailers and commercial, business, and oversize vehicles parishwide with particular attention to residential areas, which are more sensitive to the negative effects of commercial intrusion; and

**WHEREAS**, the most pressing issue is existing parking regulations’ reliance on vehicle weight restrictions, which inspectors are currently unable to measure; and

**WHEREAS**, as a result commercial, oversize, or business vehicles/vans/trailers are often illegally parked parishwide, but are not ticketed due to ineffective weight regulations; and

**WHEREAS**, many of these vehicles create unsafe situations for pedestrians and vehicles and create blight in neighborhoods throughout the Parish; and

**WHEREAS**, implementation of a vehicle class system that provides a range of criteria to identify specific types of commercial vehicles, and regulates commercial vehicles and trailers based on their vehicle class both on- and off-street in residential districts and on residential development sites will improve inspectors’ ability to address code violations; and

**WHEREAS**, other parking regulations in the Code of Ordinances can also be clarified to better protect parish streets, parking areas, and residential neighborhoods from nuisance activities and safety hazards that result from the parking of commercial vehicles and trailers.

**WHEREAS**, the Planning Director of this parish has caused to be duly advertised as prescribed by law, a public hearing in connection with the proposed amendments to Chapters 25, 33, and 40 of the Jefferson Parish Code of Ordinances under Docket No. TXT-2-13; and

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

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** That Chapter 36. Traffic and Motor Vehicles, Article V. Parking, Stopping, and Standing, Division 5. Trucks, Trailers, Commercial and/or Oversized Vehicles, and Buses Restricted on Certain Streets is hereby amended by re-titling Division 5 to read: Division 5. Trailers, Commercial Vehicles, and Buses Restricted on Certain Streets.

**SECTION 2.** That Chapter 36. Traffic and Motor Vehicles, Article V. Parking, Stopping, and Standing, Division 5. Section 36-160. Definitions, is hereby amended to relocate—without change—the definitions for ‘minor repairs,’ ‘public right-of-way,’ ‘sidewalk area,’ ‘street and/or public roadway,’ and ‘trailers’ to Article I. In General, Section 36-1. Definitions.

**SECTION 3.** That Chapter 36. Traffic and Motor Vehicles, Article I. In General, Section 36-1. Definitions is hereby amended to delete the definition for ‘residence district’.

**SECTION 4.** That Chapter 36. Traffic and Motor Vehicles Article V. Division 5. Section 36-160. Definitions, is hereby amended to delete current definitions for ‘commercial, business, or oversize vehicle’ and ‘truck;’ and add the following new definitions, to read as follows:

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

 *Bus* means any motor-driven vehicle with a designed seating capacity of ten (10) persons or more.

 *Residential zoning districts,* for the purposes of this section, mean Suburban Residential District (S1), Single-Family Residential District (R1A), Suburban Residential District (R1B), Rural Residential District (R1C), Rural Residential District (R1D), Manufactured Home District (R1MH), Townhouse District (R1TH), Condominium District (R1CO), Two-Family Residential District (R2), and Three- and Four-Family Residential District (RR3).

 *Trailer, commercial* means any trailer designed, maintained, or in use primarily for the transportation of property for hire, compensation, or profit.Examples include, but are not limited to, a trailer designed, maintained, or in use for:

1. The storage or sale of food or beverages; or
2. The purpose of off-premise commercial advertising; or
3. The transport or sale of landscaping or lawn-care equipment, heavy construction equipment, or cargo.

 *Trailer, non-commercial* means any trailer designed, maintained, or in use primarily in support of residential activities. Examples include, but are not limited to:

1. Unloaded trailers not in use for hire, compensation, or profit; and
2. Box trailers without advertising visible on the trailer.

 *Van, commercial* means any van that:

1. Is designed, maintained, or in use primarily for the transportation of property for hire, compensation, or profit; and
2. Has one (1) or more of the following specifications:
3. Exceeds seven (7) feet in height; or
4. Displays advertising or messages relating to the business for which the van is an instrument or tool; or
5. Stores or has affixed to the van accessories (such as ladder racks, compressors, hose reels, welders, cranes) associated with commercial activity.

 *Vehicle, heavy commercial* means any vehicle that:

1. Is designed, maintained, or in use primarily for the transportation of property for hire, compensation, or profit, which includes, but is not limited to, dump trucks, motorized heavy construction vehicles, solid waste collection vehicles, commercial haulers, concrete mixer trucks, towing and recovery vehicles, any vehicle in which food or beverages are stored or sold, and any vehicle designed or used to transport heavy construction, landscaping, or lawn care equipment; and
2. Has one (1) or more of the following specifications:
3. Exceeds eight (8) feet in height, provided this specification is not met as a result of a load that is recreational or associated with residential activity including, but not limited to, a canoe, kayak, mattress, furniture, or additional storage device attached to a roof rack; or
4. Exceeds twenty-one (21) feet in length; or
5. Has an apportioned license plate; or
6. Utilizes seven (7) or more wheels to facilitate vehicular movement; or
7. Has three (3) or more axles, which shall be determined by looking at the vehicle from the side profile and counting the number wheels from front to back; or
8. Has special equipment which distinguishes it from private passenger automobiles including, but not limited to, a crane or an electronic message board.

 *Vehicle, height* means the total vertical dimension of any vehicle above the ground surface including any load and load-holding devices thereon.

 *Vehicle, length* means the total longitudinal dimension of a single vehicle, a trailer, or semi-trailer; including load. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear and includes load-holding devices thereon. For the purposes of these regulations, when a trailer is attached to a light commercial vehicle or similar passenger vehicle, *vehicle length* shall be computed separately for the vehicle and the trailer.

 *Vehicle, light commercial* means any vehicle that:

1. Is designed, maintained, or in use primarily for the transportation of passengers and may also be in use for carrying small goods, wares, merchandise or tools associated with commercial activity; and
2. Has all of the following vehicle specifications:
	1. Is limited to carrying ten (10) passengers or less; and
	2. Is less than or equal to eight (8) feet in height; and
	3. Utilizes no more than six (6) wheels to facilitate vehicular movement; and
	4. Has no more than two (2) axles; which shall be determined by looking at the vehicle from the side profile and counting the number wheels from front to back; or
3. Is a taxi-cab with a for-hire taxi license plate; or
4. Is a private automobile or passenger van that displays a business logo, identification information, or other form of minimal off-premise advertising.

**SECTION 5.** That Chapter 36. Traffic and Motor Vehicles, Article V. Division 5. Section 36-161. Prohibition, is hereby amended to read as follows:

Sec. 36-161, On-Street Parking within or adjacent to a Residential District or a Residential Development Site.

1. These provisions are to be strictly construed to deter nuisance activities and to preserve the integrity of residential districts.
2. The residents and/or owners of property located within a residential zoning district or a residential development site constructed with a single-, two-, three-, or four-family dwelling including a manufactured home or a townhouse may park a total of two (2) light commercial vehicles per site provided that:
	1. At no time shall both light commercial vehicles be parked on-street; and
	2. When a light commercial vehicle is parked on-street, it shall share an edge or boundary with the development site and not be separated from the development site by another development site, a public street, or an alley.

(c) Unless otherwise provided, it shall be unlawful for any person to park or cause to be parked any heavy commercial vehicle, commercial van, trailer, including but not limited to a commercial and non-commercial trailer, or bus on any public street, public roadway, public right-of-way, or public sidewalk area that is within a residential zoning district, or that shares an edge or boundary with a residential zoning district or residential site constructed with a single-, two-, three-, or four-family dwelling including a manufactured home or a townhouse excluding the following temporary circumstances:

1. Emergency vehicles parked while said vehicle and its operator are on call for emergency services; or
2. Vehicles and persons actually engaged in repairing or otherwise improving public utilities or infrastructure or performing other activities authorized by the Parish; or
3. Vehicles parked for the purpose of delivering, picking up materials or merchandise, or performing services for the actual time necessary to accomplish said delivery, pick up, or service.

**SECTION 6.** That Chapter 36. Traffic and Motor Vehicles, Article V. Division 5. Section 36-162. Schedule of Streets, is hereby amended to read as follows:

 Heavy commercial vehicles, commercial vans, trailers, including, but not limited to, commercial and non-commercial trailers, and buses, are hereby prohibited from parking on the following streets:

\* \* \*

**SECTION 7.** That Chapter 40. Zoning, Article I. In General, Section 40-3. Definitions, is hereby amended to revise the definitions of ‘private garage’ and ‘parking area,’ to read as follows:

\* \* \*

*Garage, private* shall mean a structure that is detached or attached to the principal structure and primarily used for the parking or storage of passenger vehicles used by occupants of the structure to which it is accessory and not used for business purposes or human habitation, except as provided in Section 40-661 of this Code.

\* \* \*

*Parking area* shall mean an area of a lot used as an off-street parking facility, enclosed or unenclosed, including parking spaces and access drives.

\* \* \*

**SECTION 9.** That Chapter 40. Zoning, Article XXXV. Off-Street Parking, Loading, and Clear Vision Area Regulations, Section 40-661. General Requirements, is hereby amended to add subsections (h) and (i) to read as follows:

1. Commercial vehicles may be parked or stored on the site of a single-, two-, three-, or four-family dwelling including a manufactured home or a townhouse, subject to the following conditions:
	1. Commercial vehicles may be parked or stored off-street under the following temporary circumstances:
		* 1. Emergency vehicles parked while said vehicle and its operator are on call for emergency services; or
			2. Vehicles and persons actually engaged in repairing or otherwise improving public utilities or infrastructure or performing other activities authorized by the Parish; or
			3. Vehicles parked for the purpose of delivering, picking up materials or merchandise, or performing services for the actual time necessary to accomplish said delivery, pick up, or service.
	2. Unless otherwise provided, the off-street parking of any heavy commercial vehicle, as defined in Section 36-160 of this Code, shall be prohibited.
	3. One (1) commercial van or one (1) commercial trailer, as defined in Section 36-160 of this Code, may be parked or stored off-street, provided that:
2. The commercial van or commercial trailer is not actively in use for commercial purposes while parked or stored; and
3. The commercial van or commercial trailer meets the setback and screening requirements of recreational vehicles and watercrafts provided in Section 40-661 (g)(2) and (g)(7) of this section when exceeding seven (7) feet in height and stored outside a private garage.
4. A maximum of two (2) light commercial vehicles, as defined in Section 36-160 of this Code, may be parked or stored per site provided that each vehicle complies with the on-street parking regulations of Section 36-161 (b) of this Code. A light commercial vehicle that exceeds the ‘minimal advertising’ criterion may be parked or stored off-street provided it meets the setback and screening requirements of recreational vehicles and watercrafts when parked or stored outside a private garage, regardless of the height of the light commercial vehicle.
5. Non-commercial trailers, as defined in Section 36-160 of this Code, may be stored on the site of a single-, two-, three-, or four-family dwelling including a manufactured home or a townhouse provided each trailer meets the setback and screening requirements of recreational vehicles and watercrafts in Section 40-661 (g)(2) and (g)(7) of this section when exceeding seven (7) feet in height and stored outside a private garage.

**SECTION 10.** That Chapter 40, Zoning, Article XXXV, Off-Street Parking, Loading, and Clear Vision Area Regulations, Section 40-662, Off-Street Parking Requirements, is hereby amended to revise paragraph (h), to read as follows:

\* \* \*

1. Off-street parking spaces shall only be used for off-street parking in connection with the principal use and limited to the parking of passenger vehicles, trucks, and vans and not for the storage of containers or trailers.

\* \* \*

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

**YEAS:** **NAYS: ­­­** **ABSENT:**

The ordinance was declared to be adopted on this the 18th day of September, 2013, and shall become effective as follows, if signed by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.