

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

SUMMARY NO. 25807 ORDINANCE NO. 26316

An ordinance to amend Chapter 33 Unified Development Code of the Jefferson Parish Code of Ordinances to provide for the amortization of nonconforming signs for properties zoned Town Center Mixed Use District (TCMU) along the portion of David Dr. between W. Napoleon Ave. and Veterans Memorial Blvd. and to provide for related matters.
(Parishwide)

WHEREAS, the Jefferson Parish Council, through Ordinance No. 26233, adopted June 30, 2021, amended Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of Jefferson Parish in order to create a Town Center Mixed Use District (TCMU) as part of its implementation of the Lafreniere Sub Area Plan; and

WHEREAS, the TCMU District provides small areas with a complete mix of residential, retail, service, and office activities and a balance of residential and non-residential land-use opportunities, all designed in scale with the surrounding residential uses that they support and enhance; and

WHEREAS, the TCMU District incorporates design and development regulations to encourage walkability and active public realms, businesses and economic growth, and architecturally cohesive streetscapes; and

WHEREAS, the TCMU District's regulations and standards intend to protect and encourage the character of the district by limiting the type and size of commercial uses, maintaining a neighborhood commercial scale, promoting pedestrian activity, reducing auto trips, and creating the unique character of a town center; and

WHEREAS, the Parish has conducted an extensive study and inventory of nonconforming signs; and

WHEREAS, the Lafreniere Sub Area Plan designated the amortization of nonconforming signage as an action item for the David Drive corridor; and

WHEREAS, amortization is a valid method of removing nonconforming signs by requiring removal within a reasonable, specified time period, and justifies a nonconforming sign's removal after the value has been recouped – or amortized – over a period of time; and

WHEREAS, nonconforming signs may continue to be maintained until December 31, 2026, thereby providing for an amortization period of approximately five (5) years; thereafter, nonconforming signs must be removed except for those that are nonconforming due to exceeding the permitted size by an amount not greater than ten percent (10%); and

WHEREAS, the Jefferson Parish Council finds that it is serving a substantial governmental interest to amortize nonconforming signs to improve the beauty and aesthetics of the portion of the David Dr. corridor zoned TCMU District and thus to maintain and increase the attractiveness of the area to tourists and the residents alike, and the economic prosperity of the area; and to promote revitalization.

NOW, THEREFORE, THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Chapter 33, Unified Development Code, Article 8 Sign Regulations is hereby amended to add the following section:

Sec. 33.-8.7.1. Amortization of Nonconforming Signs Along Portion of David Dr. zoned Town Center Mixed Use District. The following regulations and amortization provisions shall apply to the properties zoned Town Center Mixed Use District (TCMU) along the portion of David Dr. between W. Napoleon Ave. and Veterans Memorial Blvd.:

(1) Findings and Purpose:

- a. The parish council finds that nonconforming signs that do not conform with the provisions of the TCMU district, as applicable, threaten the public health, safety and welfare because they:
 1. Create traffic safety hazards;
 2. Create pedestrian safety hazards;
 3. Decrease property values;
 4. Increase the potential for blight; and/or
 5. Discourage reinvestment in residential and nonresidential property that is essential to for the implementation of the Lafreniere Sub Area Plan.

- b. The purposes of this section are to:
 - 1. Recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this section is as important as is the prohibition of new signs that would violate these regulations.
 - 2. Establish a fair and equitable process for the elimination of nonconforming signs that will facilitate implementation of the Lafreniere Sub Area Plan.
- (2) Immediate Removal of Certain Signs. The following nonconforming signs shall be removed immediately:
 - a. Any sign not established as a legal nonconforming sign prior to the adoption of these regulations;
 - b. Any sign erected or maintained upon any parish highway, right-of-way, servitude, street, public building or parish property without a resolution from the Parish Council authorizing such sign or for which the resolution is not posted in a visible location on the premises;
 - c. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, on the premises where such sign is located.
- (3) Limits on Nonconforming Signs.
 - a. Change of Business or Use. Any nonconforming sign advertising, identifying, or pertaining to a business on the premises on which it is located shall be removed upon any change in the business name or change in the use advertised by the sign.
 - b. A nonconforming sign may not be:
 - 1. Changed to another nonconforming sign;
 - 2. Structurally altered to extend its useful life;
 - 3. Expanded in height, width, depth or weight;
 - 4. Reestablished after a business is discontinued for sixty (60) days;
 - 5. Reestablished after damage or destruction of more than fifty (50) percent of its value, as determined by the director of inspections and code enforcement.
 - c. No new sign shall be approved for a site, structure, building or use that contains nonconforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this title.
 - d. Nothing in this section shall be interpreted to exclude routine maintenance, repair, or renovation which does not extend, increase, or enlarge the nonconforming sign.
 - e. No building permit shall be issued for any structures, building expansions or new building construction on a site which contains nonconforming signs, unless all signs on the site are brought into conformance with this title. This does not include interior alterations which do not substantially change the character or intensity of the site.
- (4) Amortization. Legally nonconforming signs erected prior to the effective date of this ordinance may continue to be maintained until December 31, 2026. Thereafter, unless such signs conform to the provisions of this article, they shall be removed. Signs that are nonconforming due to exceeding the permitted height, width or area by ten percent (10%) or less shall not be subject to removal under this section.
- (5) A determination of sign conformance shall be provided by the department of inspection and code enforcement.
- (6) Removal. Nonconforming signs that require removal under the regulations in this section shall be taken down, or removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within sixty (60) days after written notification from the department of inspection and code enforcement and, upon failure to comply with such notice or file an appeal within the time specified in such order, the department of inspection and code enforcement is hereby authorized to cause removal of such sign and collect the cost, therefore, in accordance with article III, chapter 19 of this code.

SECTION 2. That the Municipal Code Corporation is hereby authorized and directed to correct any cross-references within the code that are affected by the renumbering of sections or subparagraphs via this ordinance.

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

YEAS: 7 NAYS: None ABSENT: None

This ordinance was declared to be adopted on the 8th day of December, 2021, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption, thereafter, upon signature by the Parish President or, if not signed by the Parish President, upon expiration of the time of ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY



**EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL**