

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

SUMMARY NO. 25988 ORDINANCE NO. 26490

An ordinance to amend Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of the Parish of Jefferson, to amend current zoning and development regulations and administrative provisions and procedures and provide for related matters; as recommended by a study authorized by Council Resolution No. 139765 adopted May 25, 2022. (Parishwide)

WHEREAS, the Jefferson Parish Council, through Resolution No. 139765 adopted May 25, 2022, authorized the Planning Department and the Planning Advisory Board to conduct a text study with the intent of evaluating, clarifying, and amending current zoning and development regulation and administrative provisions and procedures, establishing interim development standards during the study, and providing for related matters; and

WHEREAS, staff has experienced issues with administering and interpreting certain regulations of the Code due to unique conditions or unclear language in the regulations; and

WHEREAS, some of the Planning Department's administrative fees are located inconsistently throughout the Code; and

WHEREAS, the Code states that the amount of fees for development permits and applications shall be established by resolution of the Parish Council and as shown in the appendix of the Unified Development Code; and

WHEREAS, the Code also has unnecessary number of copies and references to certified mail, and

WHEREAS, the Code also minor errors, such as incorrect section references and typos; and

WHEREAS, if these numbers or type of mail were to change, the Code would have to be changed via ordinance, adding an unnecessary burden on the Planning Department and Council; and

WHEREAS, the text of Chapters 33 and 40 of the Code may only be amended by legislative approval, which requires action by the Parish Council and includes a public hearing and recommendations from the Planning Director, Planning Advisory Board, and/or the Old Metairie Commission as applicable; and

WHEREAS, the Parish Council may amend the text of Chapters 33 and 40 of the Code or the Comprehensive Plan from time to time to address changing conditions, implement the comprehensive plan, or promote the public necessity, convenience, general welfare, or good planning practice; and

WHEREAS, a key objective of the Comprehensive Plan is to minimize the negative impacts of new development or redevelopment through up-to-date regulations and standards based on best practices; and

WHEREAS, the Planning Director of this Parish has caused to be duly advertised, as prescribed by law, a public hearing in connection with the text amendment under Docket No. TXT-3-22; and

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

NOW, THEREFORE, THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Chapter 33 Unified Development Code, Sec. 33-2.25.4. Recordation of approved site plan., is hereby amended to read as follows:

Sec. 33-2.25.4. Recordation of approved site plan.

For conditional use permits, the applicant shall submit to the Planning Department the final site plan of the project as approved by the Council. After certification by the Planning Director that the submitted plans conform to the approval of the Council, as indicated by the dated signature of the Planning Director, the Planning Department shall submit the certified site plan to the Clerk of Council who shall submit the site plans to the Clerk of Court for recordation with the council ordinance or resolution that approved the project, within sixty (60) calendar days of the effective date of the ordinance, resolution, or certification by the Planning Director that the site plan conforms to the approval of the Council, whichever is later. After recordation, the Clerk of Council shall convey the original to the Planning Department the recorded site plan

to the Department of Inspection and Code Enforcement, and shall file the recorded site plan with the Clerk of Court and the Clerk of Council.

SECTION 2.That Chapter 33 Unified Development Code, Sec. 33-2.31.2. Applicability., is hereby amended to read as follows:

Sec. 33-2.31.2. Applicability.

Any subdivision meeting the criteria established in this section may be submitted to the Planning Director for ministerial review subject to the requirements of this section. Plats shall be prepared in accordance with the requirements listed in the Appendix of this UDC.

- (1) The realignment or shifting of lot boundary lines including removal, addition, alignment, or shifting of interior lot boundary lines, or the designation or re-designation of lot numbers provided the application does not trigger a major subdivision per subsection (3) below, meets all the requirements of the subdivision and zoning ordinances, and the following criteria for certain subdivision applications:
 - a. Notification to abutting property owners is required for any subdivision application:

* * *
 - b. When required, the applicant shall provide the Planning Department with a notarized list of the names and addresses of the abutting property owners as part of the application for minor subdivision, and the costs shall be borne by the applicant.

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SECTION 3.That Chapter 33 Unified Development Code, Sec. 33-3.53.4.5. Sale, dispensing, or consumption of alcoholic beverages., is hereby amended to read as follows:

Sec. 33-3.53.4.5. Sale, dispensing, or consumption of alcoholic beverages.

- (a) *Applicability.* This section shall apply to any use engaged in the sale, dispensing, or consumption of alcoholic beverages, including but not limited to the following:

* * *

(l) *Non-compliance.*

- (1) Failure to comply with the applicable standards of this section or the commission of acts listed in Chapter 4 of this Code shall be grounds for:

* * *
- (2) Should a nonconforming stand-alone bar or drinking place have its nonconforming status revoked, the Director of Inspection and Code Enforcement shall notify the property owner and operator of the bar of the revocation of nonconforming status. The notice shall cite the reasons for the revocation. Either the property owner or the operator of the bar may file an appeal to the revocation with the Parish Council within thirty (30) calendar days of the date that the notification is mailed in accordance with Chapter 40 of this Code. Before deciding on the validity of the action, the Council shall conduct a public hearing and consider evidence of whether the bar has operated in compliance with all of the requirements of this Section and with the conditions established in Chapter 4, Article II, Section 4-32 of this Code, as the effectiveness of efforts to remedy violations.

SECTION 4.That Chapter 33 Unified Development Code, Sec. 33-3.53.8.1. Site plan review., is hereby amended to read as follows:

Sec. 33-3.53.8.1. Site plan review.

- (a) *Site plan review required.* Development or activities not exempt from site plan review shall be subject to site plan review as provided in Sec. 33-2.25 Site plan of this UDC.
- (b) *Site plan review not required.* The following development or activities shall not be subject to site plan review:
 - (1) Interior renovations;

- (2) Any routine exterior maintenance as determined by the Planning Director, including excavating, filling, or grading;

* * *

SECTION 5. That Chapter 33 Unified Development Code, Sec. 33-3.54.6.1. Site plan review., is hereby amended to read as follows:

Sec. 33-3.54.6.1. Site plan review.

- (a) *Site plan review required.* Development or activities not exempt from site plan review shall be subject to site plan review as provided in Sec. 33-2.25 Site plan, of this UDC.
- (b) *Site plan review not required.* The following development or activities shall not be subject to site plan review:
- (1) Single-, two-, three-, or four-family residential (LBCS Function Codes 1110, 1120, 1130, and 1140);

* * *

- (3) Any routine exterior maintenance as determined by the Planning Director, including excavation, filling, or grading;

* * *

SECTION 6. That Chapter 33 Unified Development Code, Sec. 33-3.67.8.1. Site plan review., is hereby amended to read as follows:

Sec. 33-3.67.8.1. Site plan review.

- (a) *Site plan review not required.* The following development or activities shall not be subject to site plan review:
- (1) Single-, two-, three-, or four-family residential (LBCS Function Codes 1110, 1120, 1130, and 1140);

* * *

- (3) Any routine exterior maintenance as determined by the Planning Director, including excavation, filling, or grading;

* * *

SECTION 7. That Chapter 33 Unified Development Code, Sec. 33-4.2. Nonconforming lots of record., is hereby amended to read as follows:

Sec. 33-4.2.1. Purpose.

The purpose of the nonconforming lots of record regulations is to allow for development or redevelopment of lots or parcels that do not meet the minimum area requirements of their respective zoning district, and provide guidelines for obtaining a building permit.

Sec. 33-4.2.2. Applicability.

For the purposes of this section, these regulations shall apply for building permits to construct residential dwellings on nonconforming lots in residential zoning districts. Any other nonconforming regulations stated elsewhere in this Code shall also apply.

Sec. 33-4.2.3. Generally.

If two (2) or more adjacent lots are held in common ownership, and one (1) or more of the lots does not meet the minimum requirements for lot width or area of its respective zoning district, the lots shall be subdivided into a lot(s) of record that meet(s) the minimum lot requirements of their respective zoning district.

* * *

SECTION 8. That Chapter 33 Unified Development Code, Sec. 33-5.3.2. Accessory buildings, structures, and uses., is hereby amended to read as follows:

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

- (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:**

- (1) ***Interior side yards.*** 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 that is not a part of the principal building, or**

swimming pool, may be built in a required side yard, provided that such accessory building, structure, or swimming pool is:

* * *

- (8) An accessory building 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 enclosed 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.

* * *

SECTION 9.That Chapter 33 Unified Development Code, Sec. 33-5.3.7. Day care centers (includes LBCS function code 6562)., is hereby amended to read as follows:

Sec. 33-5.3.7. Day care centers (includes LBCS function code 6562).

- (a) All State requirements must be met, and in addition to the requirements of the State, the outdoor play area shall be enclosed by a permanent fence or barrier with a minimum height of four (4) feet.
- (b) The outdoor play area may be located on a separate lot if:
 - a. Meets the requirements of State;
 - b. The separate lot containing the play area is legally dedicated and bound to the lot containing the principal structure in an act of dedication that is duly recorded in the Jefferson Parish Clerk of Court’s records; and
 - c. Is located in a zoning district that permits private and public playgrounds by right.
- (c) If an off-site drop-off zone is provided, it shall be continuously connected by a path system to the main entrance of the day care center.

SECTION 10.That Chapter 33 Unified Development Code, Sec. 33-5.3.11. Gaming establishment (includes LBCS function codes 1340 and 5330)., is hereby amended to read as follows:

Sec. 33-5.3.11. Gaming establishment (includes LBCS function codes 1340 and 5330).

- (a) The minimum site area shall not be less than seven (7) acres.

* * *

- (k) Additions:
 - (1) Any addition to structures shall be required to receive council approval in accordance with the provisions of this section.
- (l) Regulations, requirements or standards set in this section are not subject to appeal to the Board of Zoning Adjustments.

SECTION 11.That Chapter 33 Unified Development Code, Sec. 33-5.3.12. Home occupations., is hereby amended to read as follows:

* * *

Sec. 33-5.3.12. Home occupations.
Sec. 33-5.3.12.1. Purposes.

* * *

Sec. 33-5.3.12.2. Applicability.

The home occupations permitted in the section below are allowed in any dwelling unit. Home occupations include any permitted occupation within a dwelling unit, clearly incidental and secondary to the use of the dwelling unit for residential purposes, and carried on by a member of the family residing in the dwelling unit.

Sec. 33-5.3.12.3. Standards.

* * *

Sec. 33-5.3.12.4. Permitted home occupations.

The following home occupations are allowed subject to the standards established in the section above.

- (1) Accounting, tax preparation, bookkeeping, and payroll services (LBCS function code 2412);

* * *

- (7) Day care home

- a. Subsection (b) of Home Occupation Standards shall be calculated to only include the indoor play area.
- b. Subsection (c) of Home Occupation Standards. shall not apply.
- c. In addition to the requirements of the State, the outdoor play area shall be a minimum of seventy-five (75) square feet per child using the space at a time, or whatever the State requires, whichever is more strict, and shall be enclosed by a permanent opaque fence or barrier with a minimum height of six (6) feet.

* * *

SECTION 12.That Chapter 33 Unified Development Code, Sec. 33-6.25.5 Greenspace standards., is hereby amended to read as follows:

Sec. 33-6.25.5. Greenspace standards.

- (a) Generally.

* * *

- (c) *Property Buffer.* Property buffers are continuous strips of landscape area located along side or rear lot lines and intended to provide separation and screening of adjacent land uses where appropriate.

- (1) *Applicability and types.* There are four types of property buffers based on district character, use, and adjacent uses or districts. *Table 33-6.25.5-2, Property Buffer Requirements by Use* establishes property buffers required for each use or zoning district, by character if applicable. The “adjacent use or zoning district” is not required to provide the buffer. Where the adjacent lot or development site contains a mixed use or is mapped with more than one zoning district, the buffer requirement associated with the most intense adjacent use or district shall apply.

* * *

- (4) *Fences.* Fences required as part of a property buffer shall comply with the requirements of Sec. 33-6.9.3.3. *Fences and walls*, in *Division 2, Design Standards*, of this Article. No fence or wall is required if an existing fence or wall provided on an abutting property meets the requirements, as determined by the Planning Director.

* * *

SECTION 13.That Chapter 33 Unified Development Code, Sec. 33-6.25.6. Acceptable landscape materials and planting practices., is hereby amended to read as follows:

Sec. 33-6.25.6. Acceptable landscape materials and planting practices.

- (a) *General standards.*

* * *

- (f) *Size and spacing.*

- (1) When they are installed, required plant materials shall comply with the minimum size requirements of Table 33-6.25.6-3 Minimum Size and Spacing at Time of Installation.

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Table 33-6.25.6-3: Minimum Size and Spacing at Time of Installation.

Landscape Feature	Minimum Caliper/ Container	Minimum Height (Feet)	Minimum Spacing on Center (Feet)
Trees – single-trunk	2 inches	12	25 (Class A) or 15 (Class B) or 10 (Class C)
Trees – multi-trunk	1 inch per trunk, minimum of 3 trunks	10	
Shrubs	3 gallon	2	3 for required screening
			N/A for other
Groundcovers (except turf grass)	2.5 inch pot	N/A	0.5

* * *

SECTION 14.That Chapter 33 Unified Development Code, Sec. 33-6.25.9 Landscape Plan., is hereby amended to read as follows:

Sec. 33-6.25.9. Landscape plan.

Applications subject to this division shall include a landscape plan as part of the site plan application. The landscape plan shall comply with the following basic standards and with additional submittal requirements for number of copies, format, and content prescribed in the Appendix of this UDC:

- (1) Notes and graphics on the plan shall illustrate:
 - a. Location of sight triangles;
 - * * *
 - f. Tree protection plan, where applicable, in accordance with Sec. 33-6.27. *Tree preservation.*
 - * * *

SECTION 15.That Chapter 33 Unified Development Code, Sec. Sec. 33-8.7.1. Amortization of Nonconforming Signs Along Portion of David Dr. zoned Town Center Mixed Use District., is hereby amended to read as follows:

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:
 - * * *
- (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. Notwithstanding Sec. 33-3.54.5(e), billboards erected in compliance with parish or municipal regulations at the time of erection are not subject to amortization.
- (5) A determination of sign conformance shall be provided by the Department of Property Maintenance and Zoning (PMZ).
- (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 PMZ 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 16.That Chapter 33 Unified Development Code, Sec. 33-10.2. Definitions applicable to this entire UDC., is hereby amended to read as follows:

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

For the purpose of this UDC, certain words and terms are hereby defined.

* * *

Gaming device or equipment shall mean any mechanical device or machine used in connection with gaming.

Garage, parking shall mean a building, land or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

Garage, private shall mean a structure that is detached or attached to the principle 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.

Garage, public shall mean a building or portion thereof, other than private or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

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

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

* * *

Lot, Legal Nonconforming shall mean an existing lot, tract or parcel of record that does not meet the minimum lot requirements of its applicable zoning district and meets the following conditions:

1. The lot configuration was approved by the Parish Council or Police Jury; and
2. The subject property is a lot of record that was owned separately from adjoining property on August 28, 1958. If two (2) or more adjacent lots are held in common ownership, and one (1) or more of the lots does not meet the minimum requirements for lot width or area of its respective zoning district, the lots shall be subdivided into a lot(s) of record that meet(s) the minimum lot requirements of their-respective zoning district.

* * *

SECTION 17.That Chapter 40 Zoning, Sec. 40-3. Definitions., is hereby amended to amend the definition of *legal nonconforming lot*, to read as follows:

Sec. 40-3. Definitions.

For the purpose of this chapter, certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory.

Unless specifically defined in this Chapter, words or phrases used in this Comprehensive Zoning Ordinance shall have the meaning of common usage which gives this Ordinance its most reasonable application or, when applicable, the meaning provided in other ordinances, including but not limited to the Comprehensive Plan.

* * *

Lot, Legal Nonconforming shall mean an existing lot, tract or parcel of record that does not meet the minimum lot requirements of its applicable zoning district and meets the following conditions:

1. The lot configuration was approved by the Parish Council or Police Jury; and

2. The subject property is a lot of record that was owned separately from adjoining property on August 28, 1958. If two (2) or more adjacent lots are held in common ownership, and one (1) or more of the lots does not meet the minimum requirements for lot width or area of its respective zoning district, the lots shall be subdivided into a lot(s) of record that meet(s) the minimum lot requirements of their-respective zoning district.

* * *

SECTION 18.That Chapter 40 Zoning, Sec. Sec. 40-32 Base zoning districts., is hereby amended to reorder the base zoning districts from more restrictive to less restrictive, to read as follows:

Sec. 40-32. Base zoning districts.

The unincorporated areas of Jefferson Parish are divided into the following base zoning districts:

- (a) Districts that promote a single use or permit a limited variety of use types
- (1) B-1 Batture District.
 - (2) S-1 Suburban District.
 - (3) R-1D Rural Residential District.
 - (4) R-1C Rural Residential District.
 - (5) R-1B Suburban Residential District.
 - (6) R-1A Single-Family Residential District.
 - (7) R-1 MH Manufactured Home District.
 - (8) R-2 Two-Family Residential District.
 - (9) RR-3 Three- and Four-Family Residential District.
 - (10) R-1 TH Townhouse District.
 - (11) R-1CO Condominium District.
 - (12) CD-R Core District-Residential.
 - (13) R-3 Multiple-Family Residential District.
 - (14) GO-2 General Office District.
 - (15) GO-1 General Office District.
 - (16) H-1 Medical Service District.
 - (17) H-2 Medical Service District.
 - (18) BC-1 Business Core District.
 - (19) C-1 Neighborhood Commercial District.
 - (20) BC-2 Business Core District.
 - (21) C-2 General Commercial District.
 - (22) OW-1 Office Warehouse District.
 - (23) MUCD Mixed-use Corridor District.
 - (24) M-1 Industrial District.
 - (25) M-2 Industrial District.
 - (26) M-3 Industrial District.
 - (27) M-4 Industrial District

* * *

SECTION 19.That Chapter 40 Zoning, Sec. 40-92. Permitted uses., is hereby amended to read as follows:

Sec. 40-92. Permitted uses.

In R-1A Districts, only the following uses of property shall be permitted:

- (1) Dwellings, single-family.
- * * *
- (16) Second culinary facility, provided the following criteria are met:
 - a. A second culinary facility shall be approved by the Jefferson Parish Council by ordinance after public hearing before the Planning

Advisory Board in accordance with Article XL, Special Permitted Uses, and subject to the following additional provisions:

1. A second culinary facility shall be permitted only in a single-family dwelling.

* * *

8. An application shall be filed with the Planning Department and shall contain the following information:

- i. A recent survey of the premises showing the relationship of the structure, driveways, etc., to the lot lines, including measurements.
- ii. A floor plan drawn to scale indicating the dimensions of all interior spaces, the identification of those spaces, and the location, measurement, and identification of the room(s) in which the second culinary facility will be located.
- iii. Location of all entrances and exits to and from the premises, including the second culinary facility.
- iv. A notarized affidavit certifying the correct names and addresses of all residential property owners fronting on both sides of the street within three hundred (300) feet of the lot containing the proposed facility.
- v. A certified copy of a covenant or agreement recorded in the office of the Clerk of Court stating the names of the person(s) for which the second culinary facility is to be provided. If the person(s) stated in the covenant or agreement no longer use the second culinary facility as living quarters, then a new application shall be required.
- vi. Additional information as required by the Planning Department, Planning Advisory Board, and Jefferson Parish Council depending on the nature of the proposal.

* * *

- c. A permit for a second culinary facility may be renewed subject to the following provisions.

1. The applicant shall submit the following materials to the Planning Department which will be forwarded to the Director of Property Maintenance and Zoning.

- i. A certified true copy of the original covenant or agreement specified in subsection above.
- ii. A letter from the applicant stating that the need to continue the facility is still in existence.

2. The Director of Property Maintenance and Zoning shall review the application for renewal and shall renew the permit if the Director ascertains that conditions concerning the original application remain the same. The Director shall inspect the premises in order to complete his review.

3. Upon completion of review, the Director of Property Maintenance and Zoning shall either renew the permit or shall deny the renewal stating his reasons therefore. The Director shall notify the applicant and the Planning Department of his decision by letter.

- d. Should the Director of Property Maintenance and Zoning deny renewal of the permit for a second culinary facility, the applicant may appeal the denial to the Parish Council. If the applicant should appeal, the procedures outlined in subparagraph a. shall be followed.

SECTION 20.That Chapter 40 Zoning, Sec. 40-217. Permitted uses., is hereby amended to read as follows:

Sec. 40-217. Permitted uses.

In RR-3 Districts only the following uses of property shall be permitted, however, single-family residences in existence at the time of adoption of this ordinance shall be considered conforming uses:

- (1) Hair care service provided the following criteria are met:

* * *

- (6) Clubs, private or service, provided the following criteria are met:

* * *

- (7) Condominiums.

- (8) Day care centers.

* * *

- (9) Home occupations.

- (10) Libraries, museums, and community centers. Any building or structure used exclusively by the Parish of Jefferson or its assigns for public purposes, and any building used by the federal or state government for public purposes, except correctional institutions or mental hospitals, and only with the approval of the Jefferson Parish Council.

- (11) Mobile homes, provided the applicable criteria is met and approval is obtained in accordance with Article XXXVIII, Manufactured Homes and Mobile Homes.

- (12) Private and public parks or playgrounds. Athletic fields and stadiums must meet applicable additional criteria set forth in Sec. 40-747, Regulations for stadiums and athletic fields.

- (13) Private gardens, truck gardens, greenhouses and nurseries for the propagation and cultivation of plants, only when such plants, flowers and produce are not offered for sale.

- (14) Schools, elementary, junior high or high, provided the following criteria are met:

* * *

- (15) Government structures and lands.

- (16) Public utility structures. See Article XXXIX, Exceptions and Modifications, for additional criteria.

- (17) Dwellings, three- and four-family.

- (18) Dwellings, two-family.

- (19) Accessory buildings and uses customarily incidental to any of the permitted uses within this district when located on the same lot and not involving the conduct of a business.

- (20) Townhouses, provided no more than four (4) townhouse units may be grouped in one (1) building.

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SECTION 21.That Chapter 40 Zoning, Sec. 40-239 Area regulations., is hereby amended to read as follows:

Sec. 40-239. Area regulations.(a) Yard requirements for multiple-family dwellings that exceed the maximum height allowed by right are located in the height regulations section of this district.

* * *

- (d) Summary Chart.

MINIMUM LOT REQUIREMENTS

	Lot area	Lot width	Lot Depth	Lot area per family
Single-Family dwellings	4,000 sq. ft.	40 ft.	75 ft.	
Two-Family dwellings	--	--	--	2,500 sq. ft./family
Three-Family dwellings	--	--	--	2,000 sq. ft./family
Four-Family dwellings	--	--	--	1,500 sq. ft./family
Five-Family dwellings	--	--	--	1,200 sq. ft./family
Townhouse	1,350 sq. ft.	18 ft.	75 ft.	
Multiple-Family dwellings				
6-12 apartments	--	--	--	1,000 sq. ft./family
13 apartments	12,300 sq. ft.	--	--	--
14-20 apartments	--	--	--	900 sq. ft./family
21 & 22 apartments	18,200 sq. ft.	--	--	--
23-39 apartments	--	--	--	800 sq. ft./family
40-43 apartments	31,500 sq. ft.			
44 or more apartments	--	--	--	700 sq. ft./family

SECTION 22.That Chapter 40 Zoning, Sec. Sec. 40-321. Description., is hereby amended to read as follows:

Sec. 40-321. Description.

This district is composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services. Regulations for the district are intended to permit and encourage full development of the necessary commercial uses while at the same time protecting nearby residential areas from possible adverse effects of the commercial activity. It is expected that future commercial uses requiring this district classification will occur as planned compact shopping centers located in proximity to the residential areas to be served. At such time as development of presently undeveloped areas of the Parish warrants the provision of additional commercial facilities, the Planning Director and the Planning Advisory Board will evaluate applications for such neighborhood commercial districts on the basis of the requirements described below. Upon finding by the Planning Director and the Planning Advisory Board that an area is suitable for and in need of a neighborhood commercial district, the area may be zoned, provided, however, that a time limit may be placed on the zoning action to ensure that development of the commercial structure will be carried out within a reasonable time. This limitation is important since a distinguishing feature of the district is the necessity for the actual development to provide the surrounding residential area with the commercial facilities and services essential to stable neighborhoods. In no case will the neighborhood commercial district exceed a maximum area of ten (10) acres. Conditions of fact to be determined by the Planning Director and the Planning Advisory Board as a basis for neighborhood commercial C-1 classification.

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SECTION 23.That Chapter 40 Zoning, Sec. 40-423. Height regulations., is hereby amended to read as follows:

Sec. 40-423. Height regulations.

(a) *Maximum height allowed by right.* The maximum height for any building or

structure by right shall be sixty-five (65) feet.

- (b) *Exceptions to the maximum height allowed by right.* A building or structure may exceed sixty-five (65) feet in height provided the following criteria, and additional or more restrictive criteria of Sec. 40-737(4), are met:

- (1) *Proximity to residential districts.* To encourage compatibility with adjacent residential developments, the following shall apply:

* * *

- (3) *Site plan review.* A building or structure that exceeds sixty-five (65) feet in height shall be subject to site plan review in accordance with the following requirements:

- a. *Review procedures.* Application for development that exceeds sixty-five (65) feet in height shall be submitted to the Jefferson Parish Planning Department on a form approved by the Planning Director. Upon review of complete site plans, the Planning Department shall determine the level of site plan review required for the particular project.

* * *

- b. *Submittal requirements.* The Planning Department shall consider an application complete when it contains the following information:

1. *Proposal ownership.*

* * *

2. *Development plans.* The site plan shall be submitted including but not limited to the following information:

* * *

3. *Ordinances and legal attachments.* An ordinance and all other legal attachments relative to the proposed development is required at the time of application in the format specified by the Jefferson Parish Clerk of Council.

4. *Effect of Approval.* 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 Code.

5. *Minor changes in approved site plan.*

* * *

6. *Amendment.* Pursuant to the same procedure and subject to the same limitations and requirements by which the site plan was approved, any Business Core District-BC-2 site plan may be amended, either partially or completely, if all remaining features of the site plan including land and structures comply with all conditions and limitations of the Business Core District-BC-2.

7. *Phasing Requirements.*

* * *

8. *Time limitations.*

* * *

9. *Extensions.*

* * *

10. *Appeal.* Regulations, requirements, or standards outlined in the Business Core District-BC-2, Special Permitted Use Section, are not subject to appeal to the Board of Zoning Adjustments.

11. *Codes.* Development within a Business Core District-BC-2 shall meet all federal, state and local fire, safety and building codes, and all other applicable codes.

SECTION 24.That Chapter 40 Zoning, Sec. 40-448. Sign regulations., is hereby amended to read as follows:

Sec. 40-448. Sign regulations.

- (a) *General.* The following sign regulations supersede those of and take precedence over regulations specified in Article XXXVI General Sign Regulations of this Chapter. However, for regulations on signs not addressed in this subsection of the Mixed Use Corridor District, Article XXXVI, General Sign Regulations, shall apply. For the purpose of this section, "development" refers to a site which is a lot or lots considered as a unit for development purposes. Sign regulations are designed such that all signs in the Mixed Use Corridor District shall be harmonious and in proportion to the development and structures served, particularly as far as height and size of the building(s). The following signs shall be permitted in the Mixed Use Corridor District:
- (b) *Permitted signs.*
- (1) *Attached signs.* Each use shall be allowed either one (1) attached flat sign or one (1) projecting sign subject to the following provisions:
- * * *
- (3) *Detached signs.* Each development shall be allowed one (1) on premise detached sign except as noted in subsection e. below, subject to the following provisions:
- a. *General design criteria for detached signs.* Detached sign regulations for the Mixed Use Corridor District shall be intended to increase visibility for individual projects and developments in the corridor in general by minimizing the size, height and number of detached signs and reducing competition among signs in the corridor. Low "eye level" monument type signs mounted on earth berms shall be encouraged and preferred over signs mounted on standard poles. Identification of particular projects may be emphasized by incorporating the detached sign within required landscaping and with unique, creative architectural features including but not limited to clock towers and waterscapes, such as water fountains and waterfalls.
- * * *
- d. *Minimum setback.* The minimum setback for a detached sign shall be ten (10) feet from the lot line, unless otherwise provided below.
- e. *Permitted height.*
1. *Standard height.* The height of a detached sign shall be a maximum of twenty (20) feet.
- * * *
- f. *Permitted materials.* The sign shall be constructed of metal or wood, or encased in a wood frame or other such materials which compliment and coordinate with the architectural style of the development.
- g. The total depth of the detached sign shall not exceed five (5) feet.
- * * *

SECTION 25.That Chapter 40 Zoning, Sec. 40-449. Development review procedures in the Mixed Use Corridor District (MUCD)., is hereby amended to read as follows:

Sec. 40-449. Development review procedures in the Mixed Use Corridor District.

- (a) *General review procedures.* Requests for development and redevelopment in the Mixed Use Corridor District shall be submitted to the Jefferson Parish Planning Department. Upon review of complete site plans, the Planning Department shall determine the level of site plan review required for the particular project. The

applicant shall submit fully detailed development plans in accordance with Sec. 40-450, Site Plan Submittal, to the Planning Department. Development review procedures for each of the site plan review levels shall be as follows:

* * *

(d) *Application for site plan review.*

(1) *Pre-application conference.* Prior to the submission of an application for development review, a pre-application conference with a designated representative of the Planning Department is required. The purpose of the pre-application conference is to thoroughly discuss the proposal and regulations specified in the Mixed Use Corridor District.

(2) *Application.*

a. An application for site plan review in a Mixed Use Corridor District shall be filed with the Planning Department and shall contain the following information:

1. *Interest and ownership.* The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land included in the proposed plan and all encumbrances of such land; and sufficient evidence to establish that the applicants are all the owners and encumbrances of the designated area, and have the ability to do so.

2. *Development plans.* The applicant shall submit site plans with the information listed and procedures set in Sec. 40-450, Site Plan Submittal, and any other information as may be necessary to describe completely the Mixed Use Corridor District Development.

3. *Ordinance and legal attachments.* An ordinance and all other legal attachments relative to the mixed use development are required at the time of application in the format specified by the Jefferson Parish Clerk of Council.

4. *Administrative examination.*

* * *

5. *Effect of Approval.* 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 Code.

* * *

SECTION 26.That Chapter 40 Zoning, Sec. 40-480. Site plan review, is hereby amended to read as follows:

Sec. 40-480. Site plan review.

(a) *Required site plan review.* Site plan review that includes a request for a variance shall be in the form of public hearings before the Planning Advisory Board and the Parish Council.

* * *

(d) *Site plan review procedures.*

(1) *Pre-application conference.* Prior to the submission of an application for site plan review in a CPZ, a pre-application conference with a designated representative of the Planning Department is required. The purpose of the pre-application conference is to thoroughly discuss the proposal and to

bring the petition in conformity with regulations specified in the CPZ. The Planning Department shall notify the Planning Advisory Board of the time and place of such pre-application conference.

(2) *Application.* An application for site plan review in a CPZ shall be filed with the Planning Department and shall contain the following information:

a. *Interest and ownership.* The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land is included in the proposed plan and all encumbrances of such land; and sufficient evidence to establish that the applicants are all the owners and encumbrances of the designated area, and have the ability to do so.

* * *

c. *Ordinance and legal attachments.* An ordinance and all other legal attachments relative to the CPZ is required at the time of application in the format specified by the Jefferson Parish Clerk of Council.

d. *Administrative examination.*

* * *

SECTION 27.That Chapter 40 Zoning, ARTICLE XXVII. Gaming and Entertainment District., is hereby amended to read as follows:

Sec. 40-496. Purpose.

The purpose of the Gaming and Entertainment District (GED) is to create a zoning district with regulations suited for gaming establishments and related activities. Said district is designed to ensure compatibility with surrounding land use and promote the health, safety and welfare of the present and future residents of Jefferson Parish.

* * *

Sec. 40-506. Regulations, requirements or standards.

Regulations, requirements or standards set in this section area not subject to appeal to the Board of Zoning Adjustments.

Secs. 40-507--40-520. Reserved

SECTION 28.That Chapter 40 Zoning, Sec. 40-562. Permitted uses, is hereby amended to read as follows:

Sec. 40-562. Permitted uses.

(a) All uses not otherwise prohibited by law except for those shown as permitted uses or special permitted uses in Article XXXI, Industrial District M-2, Sec. 40-582; and Article XXXIV, Unrestricted Rural District U-1R, Sec. 40-642; and hazardous, nuclear or radioactive waste treatment and disposal facilities; provided, however, that no building or structure shall be erected, reconstructed or structurally altered for residential use except for temporary living quarters for industrial related personnel employed upon the premises. Residential dwellings located in main structures containing non-residential uses shall not be permitted.

(b) Gaming establishments and related activities, provided the following conditions and criteria are met.

(1) The minimum site area shall not be less than seven (7) acres.

* * *

(11) Additions:

a. Any addition to structures shall be required to receive Council approval in accordance with the provisions of this section.

(12) Regulations, requirements or standards set in this section are not subject to appeal to the Board of Zoning Adjustments.

* * *

SECTION 29.That Chapter 40 Zoning, Sec. 40-582. Permitted uses., is hereby amended to delete exact fees and renumber the subsequent entries, to read as follows:

Sec. 40-582. Permitted uses.

In M-2, districts, only the following uses of property shall be permitted:

- (1) All uses not otherwise prohibited by law except for those shown as permitted in Article XXXIV, Unrestricted Rural District U-1R, Sec. 40-642 and hazardous, nuclear, or radioactive waste treatment and disposal facilities; provided, however, that no building or structure shall be erected, reconstructed or structurally altered for residential use except for temporary living quarters for industrial related personnel employed upon the premises. Residential dwellings located in main structures containing non-residential uses shall not be permitted.

* * *

- (61) Gaming establishments and related activities provided the following conditions and criteria are met:

- a. The minimum site area shall not be less than seven (7) acres.

* * *

- k. Additions.

1. Any addition to structures shall be required to receive council approval in accordance with the provisions of this section.

- l. Regulations, requirements or standards set in this section are not subject to appeals to the Board of Zoning Adjustments.

* * *

SECTION 30.That Chapter 40 Zoning, Sec. 40-602. Permitted uses., is hereby amended to read as follows:

Sec. 40-602. Permitted uses.

In M-3, districts, only the following uses of property shall be permitted:

- (1) Any existing use shall be considered a conforming use and may continue to operate, provided it does not discontinue such use for a period of more than one (1) year. However, no building or structure shall be erected, reconstructed or structurally altered for residential use except for temporary living quarters for industrial related personnel employed upon the premises. Residential dwellings located in main structures containing non-residential uses shall not be permitted.

* * *

- (3) The following uses shall also be permitted:

- a. Accessory buildings and uses, including offices, restaurants, cafeterias, retail and wholesale outlets, when operated in conjunction with and located on the same site as a permitted use in this district.

* * *

- n. Gaming establishments and related activities provided the following conditions and criteria are met.

1. The minimum site area shall not be less than seven (7) acres.

* * *

11. Additions.

- i. Any addition to structures shall be required to receive council approval in accordance with the provisions of this section.

12. Regulations, requirements or standards set in this section are not subject to appeals to the Board of Zoning Adjustments.

* * *

SECTION 31.That Chapter 40 Zoning, Sec. 40-617. Site plan review., is hereby amended to read as follows:

Sec. 40-617. Site plan review.

- (1) Variances to the requirements in Sec. 40-616, Landscape and Buffer Requirements, may be granted by the Jefferson Parish Council, upon recommendation by the Planning Department and Planning Advisory Board, provided the following criteria are met:
 - a. Variances to the fencing provisions may be granted provided the applicant can demonstrate that sufficient tree cover exists in the setback area and will be an adequate substitute for the required solid fence. Tree cover must be at least fifty (50) feet in depth.

* * *
 - c. Site plans detailing the variances and proposed mitigation shall be submitted to the Planning Department along with any other information deemed necessary to process that variance request.
 - d. Upon receipt of complete site plans, the Planning Department shall process the request in accordance with Article XLVIII, Changes and Amendments, for general procedures not specified in this section.

* * *

SECTION 32.That Chapter 40 Zoning, Sec. Sec. 40-684. Off-premise sign regulations., is hereby amended to delete exact copies, to read as follows:

Sec. 40-684. Off-premise sign regulations.

- (a) *Location.*

* * *
- (i) Applications for permits to erect, construct, relocate, or convert off-premise signs shall be submitted to the Department of Inspection and Code Enforcement. No application shall be accepted unless all of the following minimum information is submitted in addition to the application requirements found in Sec. 40-685 of this Chapter:
 - (1) A legal description of the property.

* * *
 - (4) A current survey indicating all existing improvements of the property by a registered Louisiana land surveyor showing the lot, square, subdivision name, north point, scale, distance to the nearest intersecting street, the location of the proposed sign, distance of the sign structure (including catwalks) from each property line.
 - (5) Certification by a registered Louisiana land surveyor indicating that the proposed sign complies with the minimum requirements for sign spacing and residential proximity stated in this section. All newly-erected off-premise signs must meet these requirements.
 - (6) A plot plan, drawn to scale, showing any improvements on the property, including the location of the proposed sign, and any existing parking spaces.
 - (7) The proposed off-premise sign shall meet all other applicable requirements of the Jefferson Parish Building Code.
 - (8) No utilities shall be released in connection with the erection, construction, conversion, or relocation of an off-premise sign until a certified as-built survey by a registered Louisiana land surveyor has been submitted to the Department of Inspection and Code Enforcement which shows that the sign complies with the requirements of this Chapter and the Jefferson Parish Building Code.

* * *

SECTION 33.That Chapter 40 Zoning, Sec. 40-685. General sign permit and inspection regulations., is hereby amended to read as follows:

Sec. 40-685. General sign permit and inspection regulations.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Code:

- (1) No sign unless herein excepted shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has been issued, by the Director of Inspection and Code Enforcement.
 - a. Before any permit is issued, an application shall be filed, including dimensioned drawings and/or specifications prepared by a licensed architect or engineer and bearing his seal and statement to the effect that the drawings and/or specifications were prepared by him or under his supervision as may be necessary to fully advise and acquaint the Director with the following:

* * *

SECTION 34.That Chapter 40 Zoning, Sec. 40-737. Exceptions to height requirements., is hereby amended read as follows:

Sec. 40-737. Exceptions to height requirements

The height regulations as stated in this ordinance shall not apply to the following uses. Additional exceptions to height regulations are located in the height requirements section of the Multiple-Family Residential District R-3, the Condominium District R-1CO, the Medical Service District H-2, the Neighborhood Commercial District C-1, the General Offices District GO-1, the Core District-Residential CD-R, the Business Core District BC-1, the Business Core District BC-2, the Mixed-Use Corridor District MUCD, and the General Commercial District C-2. Buildings or structures located in the Business Core District (BC-2) exceeding the maximum height allowed by right of that district shall be governed by the exceptions to height regulations of the BC-2 district rather than the regulations of this section, except that additional or more restrictive regulations listed in Sec. 40-737(4) below shall apply. Buildings or structures located in the Unrestricted Suburban District (U-1S) exceeding the maximum height allowed by right of that district shall be governed by the regulations of Sec. 33-5.20. Mid-rise to high-rise building in Chapter 33 Unified Development Code, Article 5. Supplemental Conditions of this Code.

- (1) Churches; schools; hospitals; sanitariums; public, semi-public and public service buildings; office buildings and institutions. There shall be no restrictions on the height of such buildings, provided the front, side, and rear facades shall use bulk planes which begin at horizontal lines located directly above the lines created by the setback, at a height equal to the maximum height permitted by right in the applicable zoning district, and rise over the lot upward at a 45-degree angle equal to a pitch of one (1) foot additional vertical distance for each one (1) foot additional horizontal distance.

* * *

- (4) Transmission towers, radio towers, mast and aerials/or antennas
 - a. *General.*
 1. Commercial transmission towers, radio towers, masts, aerials and/or antennas shall be located only in the Neighborhood Commercial, C-1, and the less restrictive zoning districts, subject to criteria listed in paragraph b., Criteria, below.

* * *
 3. Only monopole cellular phone transmission towers and their associated support buildings shall be allowed in the residential districts, provided the following criteria are met:
 - i. No new cell may be established if there is a technically-suitable place available on an existing communications tower within the search area that the new cell site is to serve. For the purpose of this ordinance, the search area is defined as the grid for the placement of the antenna.

* * *
 - xiii. All obsolete or unused facilities must be removed within twelve (12) months of cessation of operation at the site.
 - xiv. For those cellular transmission towers not meeting the criteria outlined above due to the site-related or other

hardships, and/or located in any Single-Family Residential District, Site Plan Review and Council approval in accordance with Article XL, Special Permitted Uses, shall be required.

* * *

SECTION 35.That Chapter 40 Zoning, Sec. 40-739. Exceptions to area regulations., is hereby amended to read as follows:

Sec. 40-739. Exceptions to area regulations.

- (a) Campuses. All lots comprising a campus may be used to meet minimum lot area or parking requirements, provided that the campus complies with the following criteria:

* * *

SECTION 36.That Chapter 40 Zoning, Article XL. Special Permitted Uses., is hereby amended to read as follows:

Sec. 40-761. Application, procedure, and notice.

- (a) Applications for Special Permitted Uses shall be filed with the Planning Department and shall contain the following information:
- (1) A survey of the property showing all existing structures.
 - (2) A site plan and/or floor plan showing the dimensions and location of the proposed Special Permitted Use.
 - (3) Any additional information required by the Planning Advisory Board, Planning Department, Department of Inspection and Code Enforcement and Jefferson Parish Council depending on the nature of the proposal.
 - (4) An affidavit certifying the correct names and addresses of all property owners within three hundred (300) feet measured radially from the lot lines of the subject property.
 - (5) A notarized affidavit in accordance with Chapter 2 of this Code regarding campaign contributor disclosure for land use action.
- (b) Unless otherwise specified above, all other procedures and requirements shall be in conformance with Article XLVIII, Changes and Amendments, of this chapter.

* * *

Sec. 40-764. Renewal of special permitted use.

A Special Permitted Use shall be renewed within two (2) years subject to the following provisions:

- (1) The applicant shall submit to the Planning Department an affidavit stating that there have been no changes listed in Sec. 40-763(c) above, a copy of the site plan and/or floor plan submitted with the original application and any other materials necessary to depict the current operation of the Special Permitted Use.
- (2) The Planning Department shall receive the application for renewal. The Department of Property Maintenance and Zoning or applicable departments shall inspect the premises in order to complete this review.
- (3) Upon completion of review, the Department of Property Maintenance and Zoning shall either renew the permit or shall deny the permit, stating its reasons therefore and shall notify the applicant and the Planning Department of this decision by letter.
- (4) Should the Department of Property Maintenance and Zoning deny the renewal or revoke the permit for a Special Permitted Use, the applicant may within thirty (30) days of the denial for renewal or revocation appeal the denial to the Parish Council through the procedures outlined in Sec. 40-761. The use shall be allowed to continue operation during the appeal process.

* * *

SECTION 37.That Chapter 40 Zoning, Sec. 40-823. Records., is hereby amended to read as:

Sec. 40-823. Records.

A record of all Certificates of Use and Occupancy shall be maintained by the Inspection and Code Enforcement Director. Persons having a proprietary or tenancy interest in land or a building affected by such Certificates of Use or Occupancy may obtain copies upon request and payment of a fee for each such copy.

* * *

SECTION 38. 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 **28th day of September, 2022**, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption, thereafter, upon signature by the Parish President or, if not signed by the Parish President, upon expiration of the time of ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY



EULA A. LOPEZ
PARISH CLERK

JEFFERSON PARISH COUNCIL