

On motion of Ms. Van Vrancken, seconded by Mr. Bonano, the following ordinance was offered:

SUMMARY NO. 25835 ORDINANCE NO. 26351

An ordinance to amend Chapter 8 Building and Building Regulations, Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of the Parish of Jefferson, to amend the criteria for a substandard lot and the standards and procedures for issuing a building permit for a substandard lot, including the definition of and criteria for determining neighborhood norm, and to provide for related matters; as authorized by Council Resolution No. 133043 adopted February 6, 2019 and extended via Council Resolution No. 135183. (Parishwide)

WHEREAS, the Jefferson Parish Council authorized the Planning Department and the Planning Advisory Board to conduct a text study with the intent of evaluating, clarifying and amending the criteria for a substandard lot and the standards and procedures for issuing a building permit for a substandard lot, including the definition of and criteria for determining neighborhood norm, and providing for related matters through Resolution No. 133043 adopted February 6, 2019 and extended via Council Resolution No. 135183; and

WHEREAS, Chapter 8 of the Jefferson Parish Code of Ordinances (Code) establishes procedures that must be followed prior to the issuance of a building permit on a substandard lot; and

WHEREAS, Chapter 8 defines a “substandard lot” as “a lot, tract or parcel of land that has an area or frontage less than the minimum required for the zoning district in which it is located, but also a lot of record in original ownership separate from adjoining property at the time of passage of Ordinance No. 3813 on August 28, 1958, as amended. Any lot approved by the parish council after August 28, 1958 is not to be considered as a substandard lot”; and

WHEREAS, although substandard lot is defined in Chapter 8 for the purposes of issuing a building permit, the term is referenced throughout the Code with conflicting information; and

WHEREAS, comparable jurisdictions researched for the purposes of this study classify substandard lots as nonconforming lots; and

WHEREAS, the procedure for issuing a building permit on a substandard lot includes a “grant without hearing” when the lot meets the neighborhood norm in terms of area or frontage; and

WHEREAS, if the substandard lot does not meet the neighborhood norm, Chapter 8 requires a public hearing and adoption of a resolution of no objection by the Parish Council, however existing procedures for doing so are unclear; and

WHEREAS, deleting Chapter 8 definition substandard lot, adding new definitions for nonconforming lot and legal nonconforming lot, and consolidating provisions related to substandard and nonconforming lots into a single section in Chapter 33, will help address inconsistencies within the Code; and

WHEREAS, streamlining the procedure for issuing building permits for certain nonconforming lots and establishing clear procedures and evaluation criteria for variances will help alleviate the burden on property owners and improve building permit review process for Jefferson Parish administrative departments to advise and enforce; and

WHEREAS, clarifying lot requirements and other related issued will help improve the quality of the Chapter 33 Unified Development Code and the Chapter 40 Zoning for the purposes of application and interpretation; and

WHEREAS, the goals of *Envision Jefferson 2040*, Chapter 6 *Housing* are to provide abundant housing choices in diverse locations to draw and retain residents; promote affordable housing for low- and moderate-income residents, and provide a diverse housing types to accommodate fluctuations in the housing market; 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-8-21; 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 8, Article II, Division 2, Permit for Substandard Lots, is hereby amended to read as follows:

DIVISION 2. - PERMIT FOR SUBSTANDARD LOTS

Sec. 8-2-110 – Sec. 8-2-110.6. Reserved.

SECTION 2. That Chapter 33 Unified Development Code, Article 3. Zoning, Division 3. Mixed-Use Base Zoning Districts, Sec. 33-3.52.3. Dimensional standards (OBM-2), is hereby amended to read as follows:

Sec. 33-3.52.3. Dimensional standards.

* * *

(b)The following exceptions to the dimensional standards shall apply:

- (1) Nonconforming lots of record established prior to the adoption of this article shall provide a side yard in accordance with the following requirements when abutting a zoning district other than S-1, R-1A, R-1B, R-1C, R-1D, R-1MH, R2, RR-3, and R-TH:

Lot Width of Established Site	Side Yard Requirements	
	Building	Vehicular use area
Less than 50 feet	No side yard required	No side yard required
50 feet to 59 feet	One (1) side yard at a min. of 10 ft.	One (1) side yard at a min. of 5 ft.
60 feet to 74 feet	One (1) side yard at a min. width of ten (10) ft.	Two (2) side yards at a minimum width of five (5) ft.

SECTION 3. That Chapter 33, Unified Development Code, Article 3. Zoning, Division 3. Mixed-Use Base Zoning Districts, Sec. 33-3.54.3. Dimensional Standards, is hereby amended to read as follows:

Sec. 33-3.54.3. Dimensional standards.

* * *

Table 33-3.54.3-1: Dimensional Standards, Two-family, Three-family, Four-family Dwellings -TCMU.

Building Height (feet), maximum	35
Front and Corner side (feet), minimum	5
Front and Corner side (feet), maximum	10, with 5 additional feet allowed for certain ministerial exceptions
Side (feet), minimum	5
Rear (feet), minimum	15
Lot width (feet)	40
Lot depth (feet)	75
Lot area (square feet)	None

SECTION 4. That Chapter 33, Unified Development Code, Article 4. Nonconforming Situations/Vested Rights, is hereby amended to read as follows:

Sec. 33-4.1. Purpose.

The purpose of these regulations is to provide regulations for nonconformities that protect and mitigate impacts on surrounding areas.

DIVISION 1. NONCONFORMITIES

Sec. 33-4.2. Nonconforming lots of record.

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 single-family dwellings on nonconforming lots in the following zoning districts: R-1A, R-2, and the S-1 district. Any other nonconforming regulations stated elsewhere in this Code shall also apply.

Sec. 33-4.2.3. Generally.

Where two or more adjacent nonconforming lots with continuous frontage are in single ownership, they shall be subdivided into a lot(s) of record that meet(s) the minimum lot requirements of their respective zoning district.

Sec. 33-4.2.4. Building Permit Approval.

The applicant shall submit an application to the Department of Inspection and Code Enforcement for a building permit to construct a single-family dwelling on nonconforming lot(s) in residential districts. In addition to an application for a building permit, the applicant must include any applicable recorded acts of sale or surveys that show ownership and lot designation prior to August 28, 1958, which will be used to determine the nonconforming status. A building permit may or may not require a variance from the Board of Zoning Adjustments (BZA) depending on whether certain criteria are met.

- (a) *BZA review and approval not required.* BZA review and approval is not required if:
 - (1) The lot has been determined to be a legal nonconforming lot; or
 - (2) The lot frontage or area of the lot of record is not more than twenty (20) percent below the specified minimum lot requirements of that zoning district; or
 - (3) The lot(s) of record were previously developed with a single-family structure.
 - (4) All other requirements of the zoning code are met.
- (b) *Exception.* Notwithstanding the provisions of Sec. 33-4.2.4(a), any nonconforming lots in common ownership that were not subdivided into one or more conforming lots which meet the minimum lot area of the(ir) respective zoning district as per Sec. 33-4.2.3, the provisions of Sec. 33-4.2.4(a)(2) do not apply.
- (c) *Required BZA review and approval.* If the above criteria are not met, the property owner or applicant shall submit a variance application to Jefferson Parish. A building permit shall not be issued unless the Board of Zoning Adjustments (BZA) grants a variance(s) to the lot-area-per-family requirements of the respective zoning district, and all other variances that may be applicable, in accordance with Article XLII of Chapter 40 of this Code. The BZA shall evaluate the lot-area-per-family variance request by the neighborhood norm standards provided in Sec. 33-6.6.4.

Sec. 33-4.3. Nonconforming Uses (Reserved).

Sec. 33-4.4. Nonconforming Signs (Reserved).

SECTION 5. That Chapter 33 Unified Development Code, Article 6. General Development Standards, Division 2. Design Standards, Sec. 33-6.8.2. Single-,

two-, three-, and four-family dwellings, is hereby amended to add a new subsection to read as follows:

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

* * *

Sec. 33-6.8.2.4. Townhouses.

- (a) *Ownership.* A townhouse dwelling and the individual lot it occupies may be sold separately if separate utilities systems are provided and if separate lots for each dwelling unit in a group are lots of record.
- (b) *Design.* The facades of dwelling units in townhouses shall be varied by changed front yards of not less than two (2) feet and variation in materials or design so that no more than two (2) abutting units will have the same front yard depth.
- (c) *Maintenance.* Provisions satisfactory to the Jefferson Parish Council shall be made to assure that non-public area for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants shall be maintained in a satisfactory manner without expense to the general taxpayer.

* * *

SECTION 6. That Chapter 33 Unified Development Code, Article 10. Definitions, Sec. 33-10.2. Definitions applicable to this entire UDC, is hereby amended to add definitions for *Lot, Legal Nonconforming* and *Lot, nonconforming*, to read as follows:

* * *

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 or more adjacent nonconforming lots with continuous frontage are in common ownership, they shall be subdivided to one or more conforming lot(s) which meet(s) the minimum lot area of its respective zoning district as per Sec. 33-4.2.3.

Lot, Nonconforming shall mean a lot, tract, or parcel which does not meet the minimum lot requirements of its applicable zoning district.

* * *

SECTION 7. That Chapter 40 Zoning, Article I. In General, Sec. 40-3. Definitions, is hereby amended to add definitions for *Lot, Legal Nonconforming* and *Lot, nonconforming*, to read as follows:

* * *

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 or more adjacent nonconforming lots with continuous frontage are in common ownership, they shall be subdivided to one or more conforming lot(s) which meet(s) the minimum lot area of its respective zoning district as per Sec. 33-4.2.3.

Lot, Nonconforming shall mean a lot, tract, or parcel which does not meet the minimum lot requirements of its applicable zoning district.

* * *

SECTION 8. That Chapter 40 Zoning, Article VI. Single-Family Residential (R-1A), Sec. 40-94. Area Regulations, is hereby amended to read as follows:

Sec. 40-94. Area regulations.

* * *

- (b) Minimum lot requirements.
 - (1) Lot area--Five thousand (5,000) square feet.
 - (2) Lot width--Fifty (50) feet.
 - (3) Lot depth--One hundred (100) feet.

- (c) Summary Chart.

MINIMUM LOT REQUIREMENTS

Lot Area	5,000 sq. ft.
Lot Width	50 feet
Lot Depth	100 feet

* * *

SECTION 9. That Chapter 40 Zoning, Article XII. Two-Family Residential District (R-2), Sec. 40-202. Permitted Uses, is hereby amended to read as follows:

Sec. 40-202. Permitted uses.

* * *

- (6) Townhouses, provided no more than two (2) townhouse units may be grouped in one (1) building.

* * *

SECTION 10. That Chapter 40 Zoning, Article XII. Two-Family Residential District (R-2), Sec. 40-204 Area regulations, is hereby amended to read as follows:

Sec. 40-204. Area regulations.

* * *

- (b) Minimum lot requirements.
 - (1) Single-family dwellings.
 - a. Lot area--four thousand (4,000) square feet.
 - b. Lot width--forty (40) feet. Frontage of cul-de-sac lots may be measured at the front yard setback line.
 - c. Lot depth--Seventy-five (75) feet.
 - (2) Two-family dwellings.
 - a. Lot area per family--Twenty-five hundred (2,500) square feet per family.

- (c) 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	n/a	n/a	n/a	2,500 sq. ft./family
Townhouse	3,000 sq. ft.	18 ft.	90 ft.	

* * *

SECTION 11. That Chapter 40 Zoning, Article XIII. Three- and Four-Family Residential (RR-3), Sec. 40-217. Permitted uses, is hereby amended to read as follows:

Sec. 40-217. Permitted uses.

* * *

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

* * *

SECTION 12. That Chapter 40, Zoning, Article XIII, Three- and Four-Family Residential District RR-3, Sec. 40-219. Area regulations, is hereby amended to read as follows:

Sec. 40-219. Area regulations.

* * *

- (b) Minimum lot requirements.

MINIMUM LOT REQUIREMENTS

	Minimum Lot area	Minimum Lot area per family	Minimum Width	Minimum Depth
Four-Family dwellings	8,000 sq. ft.	2,000 sq. ft.	60	100
Three-Family dwellings	7,200 sq. ft.	2,400 sq. ft.	60	100
Two-Family dwellings	6,000 sq. ft.	3,000 sq. ft.	60	100
Townhouse	2,000 sq. ft.	--	18 ft.	90 ft.
Other Uses	See Permitted Uses Sec. 40-217			

* * *

- (c) Townhouse minimum requirements.
 - (1) Lot area--Two thousand (2,000) square feet.
 - (2) Lot width--Eighteen (18) feet.
 - (3) Lot depth--Ninety (90) feet.

- (d) **MINIMUM SETBACK REQUIREMENTS**

	Minimum Depth
Front Yard	25 ft.
Side Yard	7.5
Rear Yard	20 ft.

SECTION 13. That Chapter 40 Zoning, Article XIV. Multiple-Family Residential District (R-3), Sec. 40-237. Permitted uses, is hereby amended to read as follows:

Sec. 40-237. Permitted uses.

* * *

- (9) Townhouses, provided no more than ten (10) townhouse units may be grouped in one (1) building.
- (10) Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business, including parking and storage garages, where the lot is occupied by a multiple-family dwelling.

SECTION 14. That Chapter 40 Zoning, Article XIV. Multiple-Family Residential District (R-3), Sec. 40-239. Area regulations, is hereby amended to read as follows:

Sec. 40-239. Area regulations.

* * *

- (c) Minimum lot requirements.
 - (1) Single-family dwellings.
 - a. Lot area--Four thousand (4,000) square feet.
 - b. Lot width-- Forty (40) feet. Frontage of cul-de-sac lots may be measured at the front yard setback line.
 - c. Lot depth--Seventy-five (75) feet.
 - (2) Two-family dwellings.
 - a. Lot area—Twenty-five hundred (2,500) square feet per family.
 - (3) Three-family dwellings.
 - a. Lot area—Two thousand (2,000) square feet per family.
 - (4) Four-family dwellings.
 - a. Lot area— Fifteen hundred (1,500) square feet per family.
 - (5) Five-family dwellings.
 - a. Lot area—Twelve hundred (1,200) square feet per family.
 - (6) Multiple-family dwellings (see Summary Chart below).
 - (7) Townhouses.
 - a. Lot area--One thousand three hundred fifty (1,350) square feet.
 - b. Lot width--Eighteen (18) feet.
 - c. Lot depth--Seventy-five (75)
 - d. Number--No more than ten (10) townhouse units may be grouped in one (1) building.

Lot area per family regulations shall not apply to dormitory buildings, fraternity, or sorority houses not having culinary facilities.

(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	3,000 sq. ft.	18 ft.	90 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 15. That Chapter 40, Zoning, Article XV. Townhouses (R-1TH), Sec. 40-254. Area regulations, is hereby amended to delete subsection 40-254(e) and to read as follows:

Sec. 40-254. Area regulations.

* * *

- (d) Minimum lot requirements.
 - (1) Townhouses.
 - a. Lot area--One thousand seven hundred fifty (1,750) square feet.
 - b. Lot width--Eighteen (18) feet.
 - c. Lot depth--Seventy-five (75) feet.
 - (2) Single-family dwellings.
 - a. Lot area--Four thousand (4,000) square feet.
 - b. Lot width-- Forty (40) feet. Frontage of cul-de-sac lots may be measured at the front yard setback line.
 - c. Lot depth--Seventy-five (75) feet.

SECTION 16. That Chapter 40 Zoning, Article XVI. Condominiums (R-1CO), Sec. 40-269. Area regulations, is hereby amended to read as follows:

Sec. 40-269. Area regulations.

* * *

- (c) Minimum lot requirements.
 - (1) Single-family dwellings.
 - a. Lot area--Four thousand (4,000) square feet.
 - b. Lot width-- Forty (40) feet. Frontage of cul-de-sac lots may be measured at the front yard setback line.
 - c. Lot depth--Seventy-five (75) feet.
 - (2) Two-family dwellings.
 - a. Lot area--Twenty-five hundred (2,500) square feet per family.
 - (3) Three-family dwellings.
 - a. Lot area--Two thousand (2,000) square feet per family.

- (4) Four-Family dwellings.
 - a. Lot area--Seventeen hundred fifty (1,750) square feet per family
- (5) Multiple-family dwellings or Condominiums (exceeding height limit)-- See R-3 Minimum lot requirements provided in Sec. 40-239(c).
- (6) Townhouses.
 - a. Lot area--One thousand seven hundred fifty (1,750) square feet.
 - b. Lot width--Eighteen (18) feet.
 - c. Lot depth--Seventy-five (75) feet.

* * *

SECTION 17. That Chapter 40 Zoning, Article XVII. Medical Service District (H-1), Sec. 40-285. Area regulations, is hereby amended to read as follows:

Sec. 40-285. Area regulations.

* * *

- (d) Minimum lot requirements.
 - (1) Single-Family Dwellings.
 - a. Lot area--Five thousand (5,000) feet.
 - b. Lot width--Fifty (50) feet.
 - c. Lot depth--One hundred (100) feet.

* * *

SECTION 18. That Chapter 40 Zoning, Article XXI, General Offices (GO-2), Sec. 40-364. Area regulations, is hereby amended to read as follows:

Sec. 40-364. Area regulations.

* * *

- (4) Minimum lot requirements.
 - a. Residential and Mixed Uses—See R-3 Minimum lot requirements provided in Sec. 40-239 (c).

SECTION 19. That Chapter 40 Zoning, Article XXV Mixed Use Corridor District (MUCD), Sec. 40-444. Area regulations, is hereby amended to read as follows:

Sec. 40-444. Area regulations.

* * *

- (b) Setbacks.

* * *

- (2) Side yard.

* * *

- (c) Legal nonconforming lots of record established prior to the adoption of this ordinance as amended shall provide a side yard as per the following schedule when abutting a non-residential use or district:

Lot Width of Established Site	Side Yard Requirements	
	Building	Vehicular use area
Less than 50 feet	No side yard required	No side yard required

50 feet to 59 feet	None; but 5 ft min. where provided.	One (1) side yard at a min. 5 ft.
60 feet to 74 feet	One (1) side yard at a min. width of ten (10) ft.	Two (2) side yards at a minimum width of five (5) ft.

* * *

SECTION 20. That Chapter 40 Zoning Article XXV Mixed Use Corridor District (MUCD), Sec. 40-449. Development review procedures in the Mixed Use Corridor District, is hereby amended to read as follows:

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

* * *

- (c) Nonconforming lots of record within the MUCD.
- (1) Development proposals on lots less than ten thousand (10,000) square feet within the MUCD shall be submitted to the Jefferson Parish Planning Department, which will determine the level of site plan review required in accordance with section 40-449(a), general review procedures.
- (2) Lots which do not meet the site area or other requirements delineated in section 40-444, Area Regulations, shall follow the landscaping requirements for developments existing prior to the establishment of the MUCD in section 40-449(b)(3), Landscaping and Buffer Standards for Existing Development.

* * *

SECTION 21. That Chapter 40 Zoning Article XXXIX Exceptions and Modifications, Sec. 40-740. Sub-standard lots of record, is hereby amended to be deleted, to read as follows:

Sec. 40-740. Reserved.

SECTION 22. That Chapter 40 Zoning Article XXXIX. Exceptions and Modifications, Sec. 40-746. Regulations for townhouse dwellings, is hereby amended to delete this section, to read as follows:

Sec. 40-746. Reserved.

SECTION 23. 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: 6 NAYS: None ABSENT: (1) Templet

This ordinance was declared to be adopted on the 26th day of January 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