

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

RESOLUTION NO. 143179

A resolution requesting and authorizing the Planning Department and the Planning Advisory Board to study the text of Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of Jefferson Parish, with the intent of evaluating provisions for existing residential dwellings in industrial zoning districts; establishing interim development standards during the study; and providing for related matters. (Parishwide)

WHEREAS, the Parish has four industrial zoning districts, OW-1 Office Warehouse District, M-1 Industrial District, M-2 Industrial District, M-3 Industrial District, and M-4 Industrial District; and

WHEREAS, portions of the Parish, such as areas along rail and the Mississippi River, have been zoned M-1 Industrial District since the Parish adopted zoning in 1958; and

WHEREAS, these portions remained industrial with the Parish-wide rezoning in 1966, either as M-1 Industrial District or M-2 Industrial District; and

WHEREAS, these industrial-zoned areas of the Parish contain residential dwellings that were damaged during Hurricane Zeta, Hurricane Ida, and the 2022 tornadoes; and

WHEREAS, the industrial zoning districts do not permit residential dwellings, except for the OW-1 Office Warehouse District, which has provisions for the existing residential dwellings; and

WHEREAS, Section 40-3 of the Code of Ordinances (Code) defines non-conforming use as any building or land lawfully occupied by or used at the time of the passage of this chapter which after passage does not conform to the use regulations of the district in which it is located. Improvements existing at time of passage of this chapter not meeting required parking and loading regulations, height regulations, and area regulations for the district in which they are situated shall not be considered as non-conforming use; and

WHEREAS, Section 40-701 of the Code has provisions for the restoration of nonconforming uses that allow a nonconforming use, structure, or building to be restored after destruction by Act of God, war, or other local catastrophe if so destroyed to no more than seventy-five (75) percent of its value as determined by the assessor of this parish for current tax purposes; and only if a permit to restore the use, structure, or building is obtained within the one (1) year immediately following the date of said destruction; and

WHEREAS, these provisions and other sections of the Code do not adequately address the repair or restoration of residential dwellings in industrial-zoned districts that take longer than one (1) year; and

WHEREAS, in the past, emergency ordinances have been called to make rebuilding easier for disaster-impacted residents within specific time frames; and

WHEREAS, recovery from recent hurricanes and tornadoes are still ongoing, and residents are still trying to repair and restore their homes; and

WHEREAS, Jefferson Parish Planning staff are working with Camiros Ltd., a private consulting firm, to perform a study of the Jefferson Parish industrial zoning districts. This includes an analysis of current industrial zoning that will result in recommendations regarding an approach to modernizing industrial zoning and, ultimately, in a new set of zoning districts for the industrial areas; and

WHEREAS, on April 27, 2023, the Planning Director initiated a study of the zoning and future land use of properties zoned OW-1 Office Warehouse District, M-1 Industrial District, M-2 Industrial District, M-3 Industrial District, and M-4 Industrial District, with the intent of rezoning the properties to the most appropriate zoning district in order to implement the industrial districts established as a result of the Jefferson Parish Industrial Zoning Districts Study undertaken by Camiros, Ltd.; and

WHEREAS, this study is in its final stage and includes recommendations to allow existing residential dwellings as conforming uses in the new industrial zoning districts with development standards for reconstruction; and

WHEREAS, interim development standards are necessary to protect public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson Parish Council of Jefferson Parish, Louisiana, acting as governing authority of Said Parish:

SECTION 1. That the Planning Department and the Planning Advisory Board are hereby authorized to study the text Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of Jefferson Parish, with the intent of evaluating regulations for existing residential dwellings in the following industrial zoning districts: OW-1 Office Warehouse District, M-1 Industrial District, M-2 Industrial District, M-3 Industrial District, and M-4 Industrial District; establishing interim development standards during the study; and providing for related matters.

SECTION 2. That the following interim development standards are hereby established:

(a) Any existing single-, two-, three-, four-, or multiple-family residential dwelling located in the aforementioned industrial zoning districts, in existence prior to the effective date of this resolution, shall be recognized as a conforming use; and furthermore, shall be allowed to:

(1) Be granted permits for repair and maintenance.

a. If an expansion is included in the repair or maintenance permit application, the area regulations of the R-3 Multiple-Family Residential District shall apply.

(2) Be restored if it is demolished or destroyed beyond seventy-five (75) percent of its value or more, without having to go through the restoration of a nonconforming status procedure, provided that the new construction meets the minimum dimensional standards provided below:

a. The restoration of residential dwelling shall be subject to the area regulations of the R-3 Multiple-Family Residential District; and

b. The restoration of the dwelling shall be the same dwelling type as prior to the demolition or destruction (i.e., a single-family dwelling may only be restored as a single-family dwelling).

(3) Notwithstanding the provisions of the Code for variances, only the Board of Zoning Adjustments may grant variances, as stipulated in Section 40-792, from the requirements of these standards.

SECTION 3. The interim development standard set forth in this resolution is in accordance with and by the authority of Sec. 33-2.21.5 of the Jefferson Parish Code of Ordinances, providing, in pertinent part, that when the Jefferson Parish Council initiates a study to prepare an amendment to the text or official maps of Chapter 33, Chapter, 40, or the Comprehensive Plan, and pending final disposition of the study, the Jefferson Parish Council may establish interim development standards that provide for reasonable approval conditions for certain types of development applications that would otherwise be affected by the study for one (1) year, which may be extended by the Jefferson Parish Council for not longer than one (1) six (6)-month period.

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


YEAS: 7

NAYS: None

ABSENT: None

The resolution was declared to be adopted on this **8th day of November, 2023.**

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY


EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL