

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

SUMMARY NO. 24274 ORDINANCE NO. 24955

An ordinance to amend Chapter 29, Roads and Bridges, Chapter 32, Signs, and Chapter 40, Zoning, of the Code of Ordinances of the Parish of Jefferson, by amending and establishing regulations pertaining to the use of right-of-way, including, but not limited to, use of right-of-way to partially fulfill landscape and buffer requirements of the Commercial Parkway Overlay Zone (CPZ) and Mixed Use Corridor District (MUCD); procedures for use of right-of-way for landscaping, parking and pavement, or signs; and procedures for site plan review of properties in the CPZ and MUCD district using right-of-way. (Parishwide)

WHEREAS, the CPZ district allows development proposals to include requests to use State or Parish right-of-way to comply with the front yard landscaping requirement of the CPZ, however the MUCD only allows the use of right-of-way for sites that were existing prior to the adoption of the MUCD; and

WHEREAS, the CPZ and MUCD districts have similar landscape and buffer, parking, and signage requirements and have similar purpose statements focused on the enhancement of development along major transportation corridors; and

WHEREAS, requests to locate a portion of the front or side yard landscaped area required by the CPZ and MUCD districts in right-of-way directly abutting a site zoned CPZ or MUCD is consistent with the purpose and intent of both districts, provided sufficient right-of-way exists; and

WHEREAS, current regulations for the location of detached signage in Parish rights-of-way do not have design criteria for landscaping to buffer signage or for a minimum lease area and do not address directional signage; and

WHEREAS, Council Resolution No. 121717, extended by Resolution No. 123552 authorized the Planning Department and the Planning Advisory Board to conduct a study of the text of Chapter 40, Zoning of the Code of Ordinances of the Parish of Jefferson, with the intent of updating provisions for the use of public rights-of-way or portions thereof to comply with requirements of the Commercial Parkway Overlay Zone (CPZ), to establish an interim development standard regarding use of the right-of-way for required landscaping, and to provide for related matters; and

WHEREAS, the Planning Director initiated a study of Chapters 2, Administration; 32, Signs; 33, Unified Development Code; and 40, Comprehensive Zoning Ordinance at the Planning Advisory Board public hearing on February 19, 2015 with the intent of establishing consistency between the regulations and standards of the Mixed Use Corridor District (MUCD) and the Commercial Parkway Overlay Zone (CPZ), and providing procedures for the use of right-of-way abutting properties zoned MUCD consistent with those established for the use of right-of-way abutting properties within the CPZ; and

WHEREAS, amendments address provisions of Resolution No. 121717 and the study called by the Planning Director to address the MUCD district in considerations of the use of right-of-way in the CPZ and MUCD districts for landscaping, parking, and signage; resulting in a unified approach to the use of right-of-way that is consistent with the goals and purpose of the CPZ and MUCD districts and clarifying and amending procedural regulations for both districts and for the processing of request for detached signage in Parish rights-of-way; and

WHEREAS, a public hearing was held by the Planning Advisory Board under Docket No. TXT-3-15 in accordance with law. Now, therefore,

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Chapter 29. Roads and Bridges. Article I. In General, Section 29-6. Right-of-way obstruction, be and is hereby amended to provide for landscaping provided in the right-of-way as shown on a site plan approved by the Parish and provide for detached signage in the right-of-way, to read as follows:

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- (b) It shall be unlawful for any person to place or cause to be placed any type of obstruction on or within proximity of any parish right-of-way except for the following:

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- (3) Plants and shrubs subject to the following:

- a. None shall be placed in the right-of-way of any interstate (freeway), arterial streets, and collector streets as referenced by the Jefferson Parish Thoroughfare Plan unless specifically approved by the Parish Council and the department of public works or shown on a site plan approved by the Parish in accordance with the procedures of this Code.
 - b. All plants and shrubs shall be placed in such a manner as to avoid obstruction of traffic control devices, and shall be placed to provide a window of view between two and one-half (2½) feet from the surface of the roadway at its edge and seven (7) feet, so as not to obstruct the view of vehicular or pedestrian traffic. In addition all plants and shrubs shall be placed in such a manner as to avoid interference with any public utility, facility, or infrastructure.
- (4) Detached signs in accordance with Chapter 32 of this Code.
- (5) The owner of private non-residential property that abuts the parish right-of-way may request to establish or expand the use of parish right-of-way for parking in excess of that required by Chapter 40 in accordance with the following:
 - a. Lease. All requests to locate parking in Parish rights-of-way shall be predicated on the provision of a lease of right-of-way agreement between the property owner or lessee and the Parish.
 - 1. The property owner or lessee shall apply to the parish attorney's office for a lease of parish right-of-way for the parking specifying a minimum lease area to satisfy the requested parking and landscaping required to screen the parking. If the proposed parking abuts a site zoned CPZ, MUCD, or any other district requiring site plan review, the request for parking in the right-of-way shall follow the procedures of the subject site plan review district.
To apply for the lease of parish right-of-way, the property owner or lessee shall submit all documents, reports, surveys, drawings, and fees required by the parish to effectuate the lease and depict essential information including, but not limited to:
 - (a) dimensions of parking stalls and travel aisles
 - (b) dimensions of landscaping to satisfy screening requirements
 - (c) field location of all utilities (horizontal and vertical depth), and location of clear vision areas.
 - 3. The parish attorney's office shall submit the lease application to the land use review technical committee (LURTC) for review and recommendations, and upon elimination of any safety, public utility, or pedestrian access concerns shall forward these findings to the parish council for consideration of the lease approval.
 - 4. As part of the lease agreement, the property owner or lessee shall sign a hold harmless agreement regarding liability for the parking and its removal for public improvements and maintenance of the right-of-way and public utilities within the right-of-way.
 - 5. The council resolution concurrently shall approve the installation of the parking and the lease of the right-of-way in accordance with Section 2-877 and Section 2-877.1 of this Code. If the property owner or lessee has an existing lease for the right-of-way in place prior to the approval of the parking, the council resolution shall approve the installation of the parking and an

amendment to the existing lease for the placement of the parking in the right-of-way.

6. Notwithstanding the provisions of section 2-877 of this Code, all rental paid to the parish pursuant to leases provided for herein shall be deposited into an account for the council district in which the right-of-way is located, dedicated to parish rights-of-way improvements, beautification, and related work in that district, less direct expenses provided by the parish to implement and maintain said leases.

- b. Criteria. All requests to locate parking in Parish rights-of-way shall be predicated upon the proposed parking meeting the following:

1. The proposed parking in the parish right-of-way is not required parking for the use on the abutting private property as determined by parking regulations established in Chapter 40.

The proposed parking in the parish right-of-way is screened by a hedge, wall, earth berm, or other durable landscape barrier a minimum of two (2) feet in height between the remainder of the right-of-way and the parking area to screen the vehicular use area. If the barrier consists of nonliving material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier.

3. The proposed parking in the parish right-of-way does not result in the removal of any required landscaping previously approved as part of site plan review.

4. If an approved site plan exists, the site plan must be amended to show the parking and screening.

- (6) Any object placed within the right-of-way which is in any way associated with a public utility or parish agency, including but not limited to parish equipment.

- (c) Any object or material placed within the right-of-way in contravention of subsection (b) shall be done so at the risk of the owner, shall be deemed abandoned and may be removed by the department of public works at the expense of the owner.

- (d) Any object placed within the right-of-way pursuant to subsections (b)(1) through (6) above shall be done so at the risk of the owner, who shall be fully responsible for the maintenance of same and shall not be due any compensation for the destruction or removal of said object by the Parish of Jefferson for any public reason whatsoever. Except in emergency situations, the Parish of Jefferson will give notice within ten (10) days of the removal or destruction by the parish of any object placed within the right-of-way pursuant to subsections (b)(1) through (6) above which is deemed to be an obstruction by the department of public works.

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SECTION 2. That Chapter 32. Signs. Article I. In General, Section 32-5. Council permission, be and is hereby reformatted and amended to outline criteria for detached and directional signage proposed in the right-of-way, to read as follows:

The council, by resolution, may permit the installation of a private sign on public property provided the sign:

- (a) Will not cause diminution or depreciation of property values of any surrounding property, nor alter the essential character of the locality nor have an adverse aesthetic or functional impact on the site; and
- (b) Will not tend to degrade and hinder the prosperity and general welfare of the immediate surrounding area and/or community; and
- (c) Will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the immediate area in which the signs will be located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or increase the danger of fire, or endanger the public safety, or cause serious

- damage to public infrastructure or improvements or to utilities, or cause serious annoyance or injury to occupants of adjoining premises by reason of emission noise or vibration, light or glare or other nuisances; and
- (d) Meets the location, design and other requirements of Article II and will be installed for not more than thirty (30) days; however, the owner of a private property that abuts the parish right-of-way may install the following detached signs for more than thirty (30) days subject to the procedures and criteria of this section:
- (1) *General criteria*
- (a) Lease. All requests to locate detached signage in Parish rights-of-way shall be predicated on the provision of a lease of right-of-way agreement between the property owner or lessee and the Parish.
- (i) The property owner or lessee shall apply to the parish attorney's office for a lease of parish right-of-way for the private sign specifying a minimum lease area of either one-hundred (100) square feet or twenty-five (25) square feet, depending on the type of sign, as indicated in Figure 32-1-1.

Figure 32-1-1: Minimum lease area for detached signage in Parish rights-of-way

Criteria	Sign Type	
	Monument Sign	Directional Sign
Minimum Lease Area	One-hundred (100) square feet including the base of the sign	Twenty-five (25) square feet including the base of the sign

- (ii) To apply for the lease of parish right-of-way, the property owner or lessee shall submit all documents, reports, surveys, drawings, and fees required by the parish to effectuate the lease and depict essential information including, but not limited to:
- (a) the exact location, area, height and overall design of the proposed sign(s) and
- (b) field location of all utilities (horizontal and vertical depth), and location of clear vision areas.
- (iii) The parish attorney's office shall submit the lease application to the land use review technical committee (LURTC) for review and recommendations, and upon elimination of any safety, public utility, or pedestrian access concerns shall forward these findings to the parish council for consideration of the lease approval.
- (iv) As part of the lease agreement, the property owner or lessee shall sign a hold harmless agreement regarding liability for the sign and its removal for public improvements and maintenance of the right-of-way and public utilities within the right-of-way.
- (v) The council resolution concurrently shall approve the installation of the private sign and the lease of the right-of-way in accordance with Section 2-877 and Section 2-877.1 of this Code. If the property owner or lessee has an existing lease for the right-of-way in place prior to the approval of the sign, the council resolution shall approve the installation of the private sign and an amendment to the existing lease for the placement of the sign in the right-of-way.
- (vi) Notwithstanding the provisions of section 2-877 of this Code, all rental paid to the parish pursuant to leases provided for herein shall be deposited into an account for the council district in which the right-of-way is located, dedicated to parish rights-of-way improvements, beautification, and related work in that district, less direct expenses provided by the parish to implement and maintain said leases.
- (b) Illumination. Signs may be illuminated, but shall not flash, blink, or fluctuate and shall not be animated. These signs shall not contain

- an electronic variable message (EVM) sign, as defined in this Code, in whole or in part.
- (2) *Monument sign.* In accordance with this section and subject to approval by the Parish Council, a property owner or lessee may apply to install a monument sign in Parish right-of-way that advertises or designates the use on the abutting private property subject to the following criteria (see Figure 32-1-2 for summary):
- (a) The sign in parish right-of-way shall be in lieu of a detached sign on the abutting private property and shall be a monument sign, as defined in Chapter 33 of this Code, or if the location of utilities precludes a pedestal then the sign may be on a pole and shall be skirted or screened along the bottom to look like a monument sign;
 - (b) the sign shall have a maximum height of twelve (12) feet and a maximum area of one hundred (100) square feet or the area established in the zoning district of the abutting private property, whichever area is less; and
 - (c) the sign shall be located within a landscaped bed of a minimum area of one hundred (100) square feet including the area of the base of the sign.
- (3) *Directional sign.* In accordance with this section and subject to approval by the Parish Council, a property owner or lessee may apply to install detached directional signs in Parish right-of-way that provide direction to the use on the abutting private property subject to the following criteria (see Figure 32-1-2 for summary):
- (a) The directional sign(s) shall be excluded from the sign area calculation for permitted signs on the abutting private property;
 - (b) a maximum of two (2) directional signs shall be allowed per driveway allowing ingress or egress to the site; and
 - (c) each directional sign shall have a maximum height of three (3) feet above grade as measured to the top of the sign and a maximum area of six (6) square feet.

Figure 32-1-2: Comparative Table of Criteria for Detached Signage in Parish Rights-of-Way

Criteria	Sign Type	
	Monument Sign	Directional Sign
Minimum lease area	One-hundred (100) square feet including the base of the sign	Twenty-five (25) square feet per sign including the base of the sign
Minimum landscaped bed area	One-hundred (100) square feet including the base of the sign	None
Illumination	Signs may be illuminated, shall not flash, blink, or fluctuate and shall not be animated or contain an electronic variable message (EVM) sign.	
Maximum height above grade	Twelve (12) feet	Three (3) feet
Maximum area	One-hundred (100) square feet	Six (6) square feet

- (e) If applicable, meets the location, design and other requirements of Article III; and
- (f) Will have the resolution, in which the sign is permitted by the council, posted on each and every sign the resolution pertains to in a visible location, and protected from the weather, except a sign approved by lease for more than thirty (30) days as specified above.

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SECTION 3. That Chapter 40. Zoning, Article XXV. Mixed Use Corridor District, Section 40-444. Area regulations, be and is hereby amended to clarify requirements for the front and perimeter yard and landscaped area, to read as follows:

- (b) Setbacks.
 - (1) Front yard.

- a. All structures, other than fountains, clock towers or other architectural feature within the landscaping, shall have a minimum front yard of twenty (20) feet from the front lot line, unless otherwise provided for in section 40-442(b)(2).
 - b. The required front yard shall be the minimum front building setback and shall be landscaped with groundcover, grass, trees and shrubs in accordance with Section 40-446 of this article. No parking or paving shall be allowed in the required front yard except for sidewalks or approved driveways directly connecting the development site to the adjacent street. Notwithstanding provisions in Chapter 33 that establish lot frontage, for purposes of applying MUCD landscaped buffer requirements in the required yards of a corner lot and as determined by the Planning Director, the required front yard shall be located on the street with the higher classification in the Parish Thoroughfare Plan, or if the streets have equal classification, it shall be located on the street upon which the building has its primary entrance.
 - c. On through lots the required front yard shall be provided on both streets and shall be landscaped with groundcover, grass, trees and shrubs in accordance with Section 40-446 of this article.
- (2) Side yard.
- * * *
- d. On corner lots the building setback on the side of the lot abutting the side street shall not be less than twenty (20) feet, within which the ten (10) feet closest to the street shall be landscaped in accordance with Section 40-446(a)(3). If a development has a building setback greater in depth than the required minimum, no support building or structure shall be located any closer to the side street than the principal building.
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SECTION 4. That Chapter 40. Zoning, Article XXV. Mixed Use Corridor District, Section 40-446. Landscape and buffer standards, be and is hereby amended to clarify landscaping and buffer requirements applicable to the MUCD and add provisions for the use of right-of-way to meet such requirements, to read as follows:

- (a) General landscape and buffer requirements. Landscaping standards in this section are minimum requirements intended to enhance the aesthetics of transportation corridors, reduce heat island effects, provide effective buffering of all vehicular use areas, including service bays, from residential development and from street view, guide traffic, and separate pedestrian walkways from vehicular traffic. The landscaping requirements for developments that include separate multiple-family residential structures developed and integrated with other permitted uses shall be applied separately to the residential portion and the nonresidential portion of the development site. Developers are encouraged to incorporate waterscapes, fountains, clock towers and other architectural features excluding fences, with landscaping to add to aesthetics and visual attraction.

(1) Interior of lot.

- a. Interior lot landscaping shall apply to parking areas of four (4) or more vehicles and shall consist of landscaped islands, medians, or peninsulas within the vehicular use area.
 - 1. One (1) such landscaped island, median, or peninsula shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred twenty (120) square feet.
The landscaped island, median, or peninsula shall consist of a minimum of one (1) tree and surfaced with shrubs and ground cover or grass, and excluding paving.

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(3) Perimeter of lot adjacent to public rights-of-way.

- a. On the perimeter(s) of the lot adjacent to public rights-of-way, the required landscaped area abutting the right-of-way shall be planted with one (1) tree for each fifty (50) feet or fraction thereof. The trees shall be planted as close to the abutting roadway as practicable to maintain tree health, and shall be planted singularly or grouped in a planting area of at least twenty-five (25) square feet per tree. In addition, a hedge, wall, earth berm, or other durable landscape barrier a minimum of two (2) feet in height shall be placed between the abutting right-of-way and any off-street parking area, service bay, or loading and unloading area to screen the vehicular use area. If the barrier consists of nonliving material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier. The remainder of the required landscaped area shall be planted with grass, ground cover or other landscape material and shall exclude paving except approved driveways directly connecting the development site to the adjacent street. The required landscaped area shall not include driveways used for internal circulation within the site.
- b. Variation in the size of front yard landscaping along the perimeter of rights-of-way shall be allowed provided the front bed maintains a minimum depth of ten (10) feet and extends greater in some areas, so that the average is twenty (20) feet.
- c. Required landscaping may be provided on the public right-of-way subject to the requirements of Section 40-447 General design standards of Article XXV Mixed Use Corridor District and subject to the following criteria:
 - 1. No more than ten (10) feet of the required front landscaped area may be located in the public right-of-way.
In order to use public right-of-way for required side or rear (for a through lot) landscaping, the excess right-of-way must be at least ten (10) feet deep.

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SECTION 5. That Chapter 40. Zoning, Article XXV. Mixed Use Corridor District, Section 40-447. General design standards, be and is hereby amended to clarify existing provisions and add provisions for the use of right-of-way, to read as follows:

- (a) Public service infrastructure and right-of-way.
 - (1) Adequate public facilities are required in accordance with Chapter 33 Unified Development Code, Article 7 Adequate public facilities required of this Code.
 - (2) Public right-of-way may be used to meet perimeter landscaping requirements, to locate vehicular display or parking that is not required off-street parking, to locate directional signs or a monument sign in lieu of an on-premise detached sign, or to locate fountains, clock towers, or other architectural structures, excluding fences, approved by the Department of Public Works, subject to the following provisions:
 - a. Use of Parish public right-of-way shall be in accordance with the requirements of Chapter 2. *Administration*, Sections 2-877 *Lease of parish immovable*, 2-877.1 *Required information for proposals for real estate transactions*, Chapter 29 *Roads and bridges*, Section 29-6 *Right-of-way obstruction* and Chapter 32 *Signs*, Section 32-5 *Council permission* as applicable; and use of State public right-of-way shall be in accordance with applicable state requirements.
 - b. The Parish may approve the use of right-of-way to meet requirements for perimeter landscaping or to provide vehicular display or parking that is not required off-street parking only in conjunction with the site plan review procedures of this article. For a monument sign in the right-of-way, the property owner requesting the monument sign for the adjacent property must submit an application for a minor amendment to an approved site plan if a site plan is in effect for the property. If no site plan is in effect and the

monument sign is the only development approval requested, site plan review in accordance with this article is not required.

- c. If an application for site plan review includes a valid lease approved by the Parish Council or written authorization from the State for use of public right-of-way to meet requirements for perimeter landscaping in accordance with Section 40-446 (3)(c), and the application for development approval meets all other requirements of this Code, then Level 1 administrative site plan review may apply. If an application includes a variance to the MUCD regulations or features more than ten (10) feet of the required front landscaped area in the public right-of-way, then Level 2 site plan review shall apply and the Council shall determine final action on the request by ordinance.
- d. All requests to locate parking in Parish rights-of-way shall be predicated upon the proposed parking meeting the following:
 - 1. The proposed parking in the parish right-of-way is not required parking for the use on the abutting private property as determined by parking regulations established in Chapter 40.
The proposed parking in the parish right-of-way is screened by a hedge, wall, earth berm, or other durable landscape barrier a minimum of two (2) feet in height between the remainder of the right-of-way and the parking area to screen the vehicular use area. If the barrier consists of nonliving material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier.
 - 3. The proposed parking in the parish right-of-way does not result in the removal of any required landscaping previously approved as part of site plan review.
 - 4. If an approved site plan exists, the site plan must be amended to show the parking and screening.

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SECTION 6. That Chapter 40. Zoning, Article XXV. Mixed Use Corridor District, Section 40-449. Development review , be and is hereby amended to delete subsection 40-449(b)(3)(b), removing reference to the use of right-of-way for existing developments prior to the adoption of the MUCD district, to read as follows:

* * * (b) *Development existing prior to the establishment of the mixed use corridor district.* Changes in use, additions or renovations to existing development established prior to the MUCD shall be reviewed by the planning department, which will determine the level of site plan review required in accordance with section 40-449(a), general review procedures.

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- (3) Landscaping and buffering standards for existing development:
 - a. Changes to developments existing prior to the MUCD meeting any of the conditions for compliance specified in section 40-449(b)(1) above shall be required to landscape a minimum of ten (10) percent of the development site. The required landscaping shall generally follow landscaping requirements set in section 40-446, landscaping and buffer requirements, subject to space limitations of the existing development.
 - b. The trash disposal system shall be completely screened from view from public rights-of-way and adjacent properties by a wood, brick or masonry fence with a minimum height of seven (7) feet.

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SECTION 7. That Chapter 40. Zoning, Article XXVI. Commercial Parkway Overlay Zone, Section 40-474. Area regulations, be and is hereby amended to clarify requirements for the front and perimeter yard and landscaped area, to read as follows:

- (a) Area regulations concerning front, side and rear yard and lot area shall be in accordance with the underlying zoning district with the following exceptions:

- (1) In addition to front yard requirements of the underlying district, the first twenty (20) feet from the front lot line shall be the minimum front yard and building setback and shall be landscaped with groundcover, grass, trees, and shrubs in accordance with standards set in section 40-476, Landscape and Buffer Requirements of this article. No parking or paving shall be allowed in the required front yard except for sidewalks or approved driveways directly connecting the development site to the adjacent street. Notwithstanding provisions in Chapter 33 that establish lot frontage, for purposes of applying CPZ landscaped buffer requirements in the required yards of a corner lot and as determined by the Planning Director, the required front yard shall be located on the street with the higher classification in the Parish Thoroughfare Plan, or if the streets have equal classification, it shall be located on the street upon which the building has its primary entrance.
- (2) On corner lots there shall be a yard with a minimum depth of ten (10) feet from the lot line abutting the side street, and this yard shall be landscaped with groundcover, grass, trees, and shrubs in accordance with standards set in section 40-476, Landscape and Buffer Requirements of this article. No building or structure shall be located within this required side yard. If a development has a side yard greater in depth than the minimum required yard, no support building or structure shall be located any closer to the lot line abutting the side street than the principal building.

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SECTION 8. That Chapter 40. Zoning, Article XXVI. Commercial Parkway Overlay Zone, Section 40-476. Landscape and buffer requirements, be and is hereby amended to remove subsection 40-476(b)(2) and delete and add text to clarify landscaping and buffer requirements applicable to the CPZ and add provisions for the use of right-of-way to meet such requirements, to read as follows:

- (a) General. Landscaping standards in this section are minimum requirements intended to enhance the aesthetics of transportation corridors, reduce heat island effects, and provide effective buffering of all vehicular use areas from streets or other views. Development within the Commercial Parkway Overlay Zone shall be encouraged to incorporate waterscapes, fountains, clock towers or other architectural features with landscaping to add to aesthetics and visual attraction.
- (b) Interior lot landscaping shall apply to parking areas of four (4) or more vehicles, and shall consist of landscaped islands, medians, or peninsulas within the vehicular use area.

A minimum of ten (10) percent of the vehicular use area of the interior of the lot shall be landscaped for the purpose of guiding and separating vehicular and pedestrian traffic.

- (2) Interior lot landscaping shall be provided by landscaped islands, medians, or peninsulas within the vehicular use area.
 - a. One (1) such landscaped island, ~~or~~ median, or peninsula shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet.
 - b. The landscaped island, ~~or~~ median, or peninsula shall consist of a minimum of one (1) tree and surfaced with shrub(s) and ground cover, or grass, and excluding paving.

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- (d) Perimeter of lot adjacent to public rights-of-way.
 - (1) On the perimeter(s) of the lot adjacent to public rights-of-way, the required yard shall be landscaped with one (1) tree for each fifty (50) feet or fraction thereof. The trees shall be planted as close to the abutting roadway as practicable to maintain tree health, and shall be planted in a planting area of at least twenty-five (25) square feet per tree. In addition, a hedge, wall, earth berm, or other durable landscape barrier of a minimum of two (2) feet in height shall be placed between the abutting right-of-way and any off-street parking area, service area, or loading and unloading area to screen the vehicular use area. If the barrier consists of nonliving

material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier. The remainder of the required yard shall be planted with grass, ground cover or other landscape material and exclusive of paving except approved driveways directly connecting the development site to the adjacent street. The required yard shall not include driveways used for internal circulation within the site. Fountains, waterscapes, clock towers or other architectural features excluding fences, are encouraged within this and other required landscaped areas to add to aesthetics and visual attraction of the site.

- (2) Required landscaping may be provided on the public right-of-way subject to the requirements of Section 40-479 Compliance with Commercial Parkway Overlay Zone (CPZ) of Article XXVI Commercial Parkway Overlay Zone and subject to the following criteria:
 - a. No more than ten (10) feet of the required front landscaped area may be located in the public right-of-way.
 - b. In order to use public right-of-way for required side or rear (for a through lot) landscaping, the excess right-of-way must be at least ten (10) feet deep.

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SECTION 9. That Chapter 40. Zoning, Article XXVI. Commercial Parkway Overlay Zone, Section 40-477. Sign regulations, Subsection (b) Permitted signs, be and is hereby amended to remove subsection 40-477(b)(10)(a)(3) and make appropriate text amendments, removing reference to the removal of signs on public rights-of-way, to read as follows:

* * *

- (10) *Nonconforming signs.*
 - a. All signs not in conformance with the provisions of this overlay zone, including off-premise signs erected prior to the enactment of this overlay zone, shall be subject to the provisions stated in subsections 1. and 2. below. Such signs may continue in operation and be maintained after the placement or effective date of the Commercial Parkway Overlay Zone, CPZ, provided the height and area of the sign is not increased. The burden of establishing such signs as legally nonconforming rests entirely with the person claiming such status for a sign and subject to the following:
 - 1. Whenever a non-conforming sign is replaced it shall comply with the provisions of this section.
Signs relocated on the same or different premises within the CPZ shall comply with the provisions of this section.

- (11) *Electronic variable message signs.* On-premises electronic variable message (EVM) signs shall meet the standards of the underlying district.

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SECTION 10. That Chapter 40. Zoning, Article XXVI. Commercial Parkway Overlay Zone, Section 40-479. Compliance with Commercial Parkway Overlay Zone (CPZ), be and is hereby amended to add Subsection 40-479(a), delete Subsection 40-479(b)(3) (a) and (b), and amend the text, clarifying existing procedures and adding provisions for the use of right-of-way, to read as follows:

- (a) Generally.
Except as provided for existing development, administrative site plan review shall apply to development which fully meets the requirements of the CPZ and the underlying zoning district pursuant to Section 40-479(b)(3), Space limitations of existing structures and does not have any outstanding code enforcement violations. Site plan review with public hearings before the Parish Council and Planning Advisory Board in accordance with section 40-480, Site Plan Review is required for development that does not comply with the requirements of the CPZ and the underlying zoning district.
- (b) Existing development.

- (1) Conditions for compliance. Development and structures existing prior to adoption of the CPZ shall comply with CPZ requirements when any of the following conditions are met:
 - a. Change of permitted use. Structures utilized by a single business which are not a part of a development with multiple land uses such as a shopping center, and which structures were in existence prior to the adoption of the CPZ, shall comply with the CPZ requirements upon change of permitted use that would require an increase in the number of parking and loading spaces needed to service the structure.
 - b. Additions. Any additions to developments or structures, including construction of parking lots, that add fifty (50) percent or more to the size of the original development shall comply with the CPZ requirements.
 - c. Renovations. Developments and structures existing at the time of CPZ designation shall comply with CPZ requirements when (1) renovation of any structure involves a change in the user and use of the area involved in the renovation and (2) renovation expenses in any twelve-month period exceed fifty (50) percent of the fair market value of the existing improvements in the development as shown by the most recent tax assessment, which tax assessment information shall be provided by the applicant in affidavit form. A change in the entity that is the user shall not be considered a change of user when there is no material change between the owners of the prior and new user entities.
 - (2) Support buildings and structures. New support buildings or structures or the relocation on the same development site of existing support buildings or structures shall, in accordance with subsections (b)(3) and (4) hereof, comply with all CPZ requirements for support buildings and structures.
 - (3) Space limitations of existing structures. When a condition for compliance applies, an existing development or structure shall comply with CPZ requirements to the maximum extent practicable subject to space limitations of existing structures and improvements in accordance with the general intent of the landscaping and buffer provisions of the CPZ. Removal of an existing structure, improvement, or required legal off-street parking space will not be required in order to comply with CPZ requirements.
 - (4) Development for structures with multiple land uses and occupants. When any portion of a development or structure with multiple land uses such as a shopping center, meets any of the conditions delineated in subsection (b) (1) b. or c., a comprehensive plan shall be required to bring the site into compliance with the CPZ requirements. The site shall be required to come into compliance with the CPZ requirements in proportion to the cost of the renovation or additions in gross floor area to the existing development. The plan shall show the improvement that could be made to bring the developer into compliance with CPZ considering space limitations, the cost of each of those improvements and shall list the improvements to be made. The cost of the improvements to be made shall equal or exceed the cost of the renovation or addition to the existing development.
 - (5) Development approval. The Planning Director may approve a site plan for an existing development that complies with CPZ requirements to the maximum extent practicable. A feature of the plan that fails to meet to the maximum extent practicable, or any new structure or improvement that fails to fully meet the CPZ requirements shall be subject to the procedures for site plan review with variances.
- (c) New development. Administrative site plan review shall apply to developments which fully meet the CPZ requirements and the requirements of the underlying zoning district and do not have any outstanding code enforcement violations. Site plan review with public hearings before the Parish Council and Planning Advisory

Board in accordance with section 40-480, Site Plan Review is required for developments not meeting CPZ requirements. New developments within the CPZ shall fully comply with all regulations specified in this section.

- (d) Group development and outparcels.

* * *

- (e) Off-site improvements. The required off-site sidewalks, driveways, curb cuts and landscaping must be shown on all applications for permits and final building inspection shall not be released until such off-site improvements are installed or a contract and performance bond is provided for the value of such off-site improvements. If the final building inspection is released pursuant to a contract and performance bond such off-site improvements shall be installed within sixty (60) days subject to an additional sixty-day administrative extension.

- (f) Use of public right-of-way. Public right-of-way may be used to meet perimeter landscaping requirements, to locate vehicular display or parking that is not required off-street parking, to locate directional signs or a monument sign in lieu of an on-premise detached sign, or to locate fountains, clock towers, or other architectural structures, excluding fences, approved by the Department of Public Works, subject to the following provisions:

- (1) Use of Parish public right-of-way shall be in accordance with the requirements of Chapter 2. *Administration*, Sections 2-877 *Lease of parish immovable*, 2-877.1 *Required information for proposals for real estate transactions*, Chapter 29 *Roads and bridges*, Section 29-6 *Right-of-way obstruction* and Chapter 32 *Signs*, Section 32-5 *Council permission* as applicable; and use of State public right-of-way shall be in accordance with applicable state requirements.
- (2) The Parish may approve the use of right-of-way to meet requirements for perimeter landscaping or to provide vehicular display or parking that is not required off-street parking only in conjunction with the site plan review procedures of this article. For a monument sign in the right-of-way, the property owner requesting the monument sign for the adjacent property must submit an application for a minor amendment to an approved site plan if a site plan is in effect for the property. If no site plan is in effect and the monument sign is the only development approval requested, site plan review in accordance with this article is not required.
- (3) If an application for site plan review includes a valid lease approved by the Parish Council or written authorization from the State for use of public right-of-way to meet requirements for perimeter landscaping in accordance with Section 40-476 (d)(2) and the application for development approval meets all other requirements of this Code, then administrative site plan review by the Planning Department may apply. If an application includes a variance to the CPZ regulations or the regulations of the underlying zoning district or features more than ten (10) feet of the required front landscaped area in the public right-of-way, then the Council shall determine final action on the request by ordinance.
- (4) All requests to locate parking in Parish rights-of-way shall be predicated upon the proposed parking meeting the following:
 1. The proposed parking in the parish right-of-way is not required parking for the use on the abutting private property as determined by parking regulations established in Chapter 40.
The proposed parking in the parish right-of-way is screened by a hedge, wall, earth berm, or other durable landscape barrier a minimum of two (2) feet in height between the remainder of the right-of-way and the parking area to screen the vehicular use area. If the barrier consists of nonliving material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier.
 3. The proposed parking in the parish right-of-way does not result in the removal of any required landscaping previously approved as part of site plan review.
 4. If an approved site plan exists, the site plan must be amended to show the parking and screening.

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

YEAS: 6 NAYS: None ABSENT: (1) Roberts

The ordinance was declared to be adopted on this the **10th day of June, 2015**, and shall become effective as follows, if signed by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

A handwritten signature in black ink, appearing to read "Eula A. Lopez", written in a cursive style.

EULA A. LOPEZ
PARISH CLERK

JEFFERSON PARISH COUNCIL