

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU
MAYOR

JARED E. MUNSTER, PH.D.
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-13-05

DATE: November 14, 2013

FROM: Jared E. Munster, Ph.D., Director

TO: Hon. LaToya Cantrell, Councilmember, District "B"

RE: Interpretation of the relationship between Section 7.3.3 and Section 11.5 of the CZO with respect to Supplementary Use Standards for Batching Plants for Asphalt or Concrete.

Pursuant to your request, the Department of Safety and Permits has evaluated the relationship of Section 7.3.3, *Permitted Uses* in the LI, Light Industrial Zoning District and Section 11.5, *Batching Plants, Asphalt or Concrete*. It is the interpretation of the Director of Safety and Permits that while cement batching plants are classified as permitted uses within the LI, Light Industrial Zoning District; they are subject to any and all applicable Supplementary Use Standards of Article 11.

Section 7.3.3 of the CZO provides a non-exhaustive list of one hundred eleven (111) "Permitted Uses" within the LI, Light Industrial Zoning District, among those uses listed is "[o]pen storage of building materials, cement or lime in bags or containers, sand, gravel, shell, lumber, structural or reinforcing steel, and the like, storage and sales, but not steel fabrication or junk storage." (7.3.3.58). As the batching of cement is merely the combining of materials that are clearly permitted to be stored within an LI, Light Industrial Zoning District, it is the opinion of the Director of Safety and Permits that a cement batching plant is a Permitted Use within the provisions of Section 7.3.3 of the CZO, as provided in Zoning Interpretation Memorandum Z-13-03.

Uses classified as 'permitted' within a given zoning district do not and cannot exist in a vacuum. The Council, in developing regulations to protect the health, safety, and welfare of the community at large has created Supplementary Use Standards which provide regulatory standards beyond the simplistic permissibility of various uses. Article 11 of the CZO, entitled *Supplementary Use Standards*, contains supplemental standards regulating the operation of 66 specific types of uses, including batching plants for asphalt or concrete. Section 11.5 specifically states three criteria for the establishment and operation of batching plants "[i]n all districts in which such use is authorized," which are: "a. The use is temporary;" "b. Batching facilities shall be set back a minimum of fifty (50) feet from any property developed for other than industrial uses;" and "c. The period of operation may not exceed one (1) year." Regardless of being 'permitted' within a given zoning district, the batching operations must be temporary in nature and are required to cease no later than one year from commencement of same.

1300 PERDIDO STREET | ROOM 7E05 | NEW ORLEANS, LOUISIANA 70112
TELEPHONE: 504.658.7200 | FACSIMILE: 504.658.7208

