



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON WEDNESDAY, JANUARY 2, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to adopt the following ordinance:

ORDINANCE SBPC #2130-01-19

Summary No. 3675

Planning Commission recommended **APPROVAL** on 12/11/18

Introduced by: Councilmember McCloskey on 12/18/18

Public Hearing held on 1/2/19

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 22-5-5(4a); NO ACCESSORY BUILDING OR STRUCTURE SHALL BE CONSTRUCTED OR PLACED IN SUCH A MANNER THAT IT COULD BE USED AS A DWELLING UNIT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 22-5; Residential Zoning Districts, Subsection 22-5-5(4a); No Accessory Building or Structure shall be constructed or placed in such manner that it could be used as a dwelling unit as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council



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Councilmember
District E

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Clerk of Council

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Extract #15 continued
January 2, 2019

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

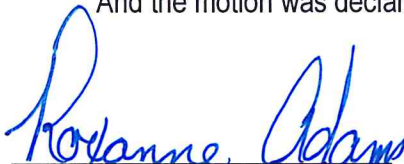
YEAS: McCloskey, Luna, Alcon, Callais

NAYS: None

ABSENT: Gorbaty, Montelongo

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of January, 2019.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

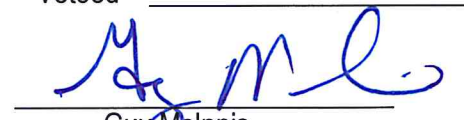
Delivered to the Parish President 1-3-19 2:50pm
Date and Time

Received by Margen Campo

Approved ✓

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

1/7/19 11:00am
Date and Time

Received by

Edgar Mela

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Exhibit "A"
Ordinance SBPC #2130-01-19

Chapter 22 - Zoning

Sec. 22-5 – Residential Zoning Districts

Subsection 22-5-5(4a) – No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit

Sec. 22-5. - Residential zoning districts.
Omit for Brevity

22-5-5. No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit. All accessory buildings or structures must be permitted by the department of community development, and such structure must be accompanied by a completed dwelling with a certificate of occupancy unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

1. The following accessory buildings and structures are permitted in the rear and side yards:
 - a. Storage sheds, detached garages and carports, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures.
 - b. Fences, stone walls, and retaining wall. (Retaining walls shall not have to comply with setbacks.)
 - c. Dog houses, runs, kennels, and penned areas.
2. An accessory building or structure that does not comply with the above requirements may be permitted by variance if the board of zoning adjustments finds that such accessory building or structure will be compatible with the location in which it is proposed to be built after considering:
 - a. The character of the neighborhood and area;
 - b. The size and shape of the lot;
 - c. The location of the accessory structure; and
 - d. The proposed use of the accessory structure.
3. Fences are permitted on lots without a dwelling when they share a common property line with a lot with an occupied dwelling (with a certificate of occupancy) under same ownership. The property shall meet the following conditions:
 - a. When a servitude separates adjacent lots under common ownership, the property owner shall submit written approval from the servitude holder to the department of community development prior to the issuance of the fence permit.Fences shall have at least one (1) latched gate or opening to the lot.
4. All detached residential accessory buildings and structures shall be subject to the following conditions (this provision shall not apply to accessory buildings and structures in C-1 Neighborhood Commercial, C-2 General Commercial, I-1, Light Industrial, A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones):

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Exhibit "A"
Ordinance SBPC #2130-01-19

a. Residential accessory buildings and structures shall not occupy more than seventy (70) percent of the required rear yard. The allowable square footage of combined accessory structures shall not exceed one hundred sixty (160) square feet per one thousand (1,000) square feet of total lot size. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

1. Not more than one thousand and six hundred (1,600) square feet of total accessory structure(s) shall be allowed per parcel in common ownership.

b. Accessory buildings and structures with plumbing improvements or finished space not used for parking, access, or storage shall meet parish requirements for elevated dwellings when located in a special flood hazard area.

1. Plumbing improvements shall consist of not more than a toilet, sink, washer and dryer.

2. Accessory buildings, as described in 22-5-5-4b, including properties outside of special flood hazard areas, shall be sited on the lot and appear to be an accessory to the main structure. Buildings shall not appear to be a main residential building. Building placement and style shall be approved by the director of the department of community.

c. Property owners who seek to build an accessory building or structure for parking, access, or storage uses only, with an enclosure exceeding five hundred (500) square feet, shall flood proof the building when located in a special flood hazard area.

d. Residential accessory buildings and structures shall not exceed fifteen (15) feet in mean height and ten (10) feet in height at the eave measured from the finished floor to the highest point of the coping of a flat roof; to the mean height level between eaves and ridge for gable, hip and gambrel roofs; and to the deck line of a mansard roof. Carports shall not exceed sixteen (16) feet in height at the ridge and fourteen (14) feet in height at the eave.

e. Residential accessory buildings and structures must be fenced in. Garages may not be fenced in on the front side of a dwelling in instances where there is an impervious driveway leading to the structure. In instances where a garage is located on a lot which has a rear yard that fronts a street, the structure must be fenced in along the width of the rear property setback. A portion of the rear property setback may remain unfenced only for the width of the required rear impervious driveway leading to the garage. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

f. When used as an accessory to a dwelling, metal storage buildings shall not exceed one hundred twenty (120) square feet in area and nine (9) feet in height. Metal storage buildings shall not front a rear property

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setback when said property has a rear property line which fronts a street. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.

g. Portable storage units such as PODS are allowed in any district for a period not to exceed thirty (30) days and shall only be permitted in the rear or side yard in accordance with the provisions outlined in section 22-5-5.4.e of this chapter. Mobile homes, travel trailers, and recreational vehicles may not be used as portable storage units.