



St. Bernard Parish Council

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

#18

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

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 TUESDAY, NOVEMBER 5, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. Luna, seconded by Ms. Callais, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2211-11-19

Summary No. 3749

Introduced by: Councilmember Luna on 9/3/19

Planning Commission **TABLED** on 9/24/19

Public Hearing held on 10/1/19

Planning Commission recommended **APPROVAL** on 10/22/19

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-4, GENERAL PROVISIONS; SUBSECTION 22-4-3, EXCEPTIONS AND MODIFICATIONS; SUB-SUBSECTION 22-4-3.3, EXCEPTIONS TO YARD REQUIREMENTS 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 22-4, General provisions; Subsection 22-4-3, Exceptions and Modifications; Sub-Subsection 22-4-3.3, Exceptions to yard requirements 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 of this Ordinance with the invalid portions omitted.



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Extract #18 continued
November 5, 2019

Richard "Richie" Lewis
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at Large

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

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 5th day of November, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President

11/8/19 10:55am

Date and Time

Received by

Approved

Vetoed

Guy McInnis

Parish President

Returned to Clerk of the Council

11/13/19 8:45am

Date and Time

Received by

Exhibit A
Summary No. 3749
Ordinance SBPC #2211-11-19

Ch. 22 – Zoning

Section 22-4 – General provisions

Sub Section 22-4-3 – Exceptions and Modifications

Sub-Subsection 22-4-3.3 – Exceptions to yard requirements

22-4-3.3. Exceptions to yard requirements.

(a) When fifty (50) percent of a building's total floor area is occupied by dwelling units in commercial and industrial districts, no side yards are required except such side yards as may be required in the district regulations for a commercial or industrial building on the side of a lot abutting on a dwelling district. When a side yard is provided, though not required, such yard shall be not less than three (3) feet in width.

Where a rear yard is provided, though not required, such yard shall be not less than three (3) feet in depth.

Where any lot or tract of land is in a commercial or industrial district abutting a Louisiana State Highway, the structure, excepting signs, shall be set back a minimum of ten (10) feet from the property line abutting the Louisiana State Highway. Signs shall be set back so that no portion of the sign or its foundation extends beyond the property line.

Signs must also comply with all local building code regulations and Louisiana Department of Transportation and Development regulations.

(b) More than one (1) main institutional building, public or semipublic, commercial, industrial or multiple-family buildings may be located upon a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.

Where more than one (1) main building is located upon a lot or tract there must be a minimum ten (10) feet clearance between the furthest projections of such buildings.

Minimum lot size for property zoned R-3 Multiple-Family shall be as follows:

Number of Units	Square Feet	Number of Units	Square Feet
1, 2 or 3	6,500	22	29,750
4	8,000	23	30,500
5	9,500	24	31,250
6	11,000	25	32,000
7	12,500	26	32,750
8	14,000	27	34,500

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9	15,500	28	34,250
10	17,000	29	35,000
11	18,250	30	33,750
12	19,500	31	36,500
13	20,750	32	37,250
14	22,000	33	38,000
15	23,250	34	38,750
16	24,250	35	39,500
17	25,250	36	40,250
18	26,250	37	41,000
19	27,250	38	41,750
20	28,250	39	42,500
21	29,000	40	43,250

With a minimum lot frontage of sixty (60) feet

- (c) For the purpose of side yard regulations, a two-family, three-family or four-family dwelling, a group of row houses, a multiple-family dwelling, electric substation or gas-pressure-regulating and metering station for public utility purposes shall be considered as one (1) building occupying one (1) lot.
- (d) Open or lattice-enclosed fire escapes, fireproof stairways and balconies opening upon fire towers, and the ordinary projection of chimneys and flues into a rear yard may be permitted by the zoning administrator for a distance of not more than five (5) feet but only when the same are so placed as not to obstruct light and ventilation.
- (e) Power plants, heating or air conditioning units, apparatus or machinery which are accessory to permitted uses in the residential districts shall be permitted in the required rear yard. They shall also be permitted in the required side yard, provided that a minimum clearance of at least two (2) feet is provided between the apparatus or machinery and the side lot line. All such apparatus or machinery shall be so placed and screened as not to cause serious annoyance to occupants of adjoining property.
- (f) In the case of cemeteries or mausoleums, a minimum fifty-foot landscaped setback shall be observed from property lines abutting streets or canals and a minimum one-hundred-foot setback shall be observed along all other property lines. Such setbacks shall be kept free of all buildings, structures and tombs, etc. However, ground interment and private

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roadways shall be permitted within twenty-five (25) feet of any property line. No setback is required on a side abutting another existing cemetery.

- (g) Whenever an industrial tract or site is adjacent to, abuts or is across from a residential district, no building or structure may be located closer than one hundred (100) feet to such residential district. However, where a street separates the industrial district, the setback need not exceed fifty (50) feet from the side abutting the street. This provision shall not apply to industrial sites of one (1) acre or less. In such cases the yard requirements of the residential district shall apply to the side adjacent to, abutting or across from the residential district.
- (h) When a lot in a commercial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (i) Where the frontage on one (1) side of a street between two (2) parallel streets constituting a single block is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be required to conform to the front yard of the residential district.
- (j) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half ($\frac{1}{2}$) the required front yard depth on the side street; the front yard requirements of a residential district shall prevail over that of a commercial or industrial use.
- (k) In the case of residential lots having a depth of eighty-five (85) feet or less, the minimum front yard shall be fifteen (15) feet.
- (l) In the A-1 Rural District all commercial or industrial uses shall provide yard areas as though they were adjacent to abutting or across from a residential district. (See subsections (g), (h), (i) and (j) above.)
- (m) All parks and playgrounds including athletic playing fields and/or courts shall comply with all setbacks and yard requirements of the district in which they are located.
- (n) In any residential district where the front setbacks of a majority of the existing residences are less than the minimum distance required for that zoning district, the front setback for new construction may be in line therewith.
- (o) All lots adjacent to a national park shall provide a forty-five (45) foot buffer from the property line of the park.