



# *St. Bernard Parish Council*

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

**#20**

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, JUNE 16, 2020 AT THREE O'CLOCK P.M.

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

## **ORDINANCE SBPC #2243-06-20**

### **Summary No. 3808**

Planning Commission recommended **APPROVAL** on 5/26/20

Introduced by: Administration on 6/2/20

Public Hearing held on 6/16/20

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-1, PURPOSE AND AUTHORITY; SUBSECTION 22-1-3, ESTABLISHMENT OF DISTRICTS; SUB-SUBSECTION 22-1-3.1, DISTRICT AND LANGUAGE USE REGULATIONS AND SECTION 22-5, RESIDENTIAL ZONING DISTRICTS; SUBSECTION 22-5-3, BULK AND AREA REQUIREMENTS AND SUBSECTION 22-5-4, PERMITTED USES IN RESIDENTIAL DISTRICTS 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 22-1, purpose and authority; Subsection 22-1-3, establishment of districts; Sub-Subsection 22-1-3.1, district and language use regulations and Section 22-5, residential zoning districts; Subsection 22-5-3, bulk and area requirements and Subsection 22-5-4, permitted uses in residential districts 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

**Joshua "Josh" Moran**  
Councilmember  
District B

**Howard Luna**  
Councilmember  
District C

**Wanda Alcon**  
Councilmember  
District D

**Fred Everhardt, Jr.**  
Councilmember  
District E

**Roxanne Adams**  
Clerk of Council



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**Kerri Callais**  
Councilmember  
at Large

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Extract #20 continued  
June 16, 2020

**Richard "Richie" Lewis**  
Councilmember  
at Large

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

**Gillis McCloskey**  
Councilmember  
District A

**YEAS:** McCloskey, Moran, Alcon, Everhardt, Lewis

**NAYS:** None

**Joshua "Josh" Moran**  
Councilmember  
District B

**ABSENT:** Luna

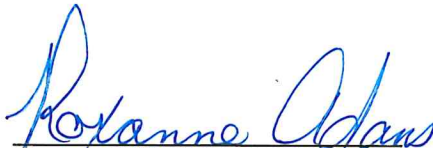
**Howard Luna**  
Councilmember  
District C

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 16<sup>th</sup> day of June, 2020.

**Wanda Alcon**  
Councilmember  
District D

**Fred Everhardt, Jr.**  
Councilmember  
District E

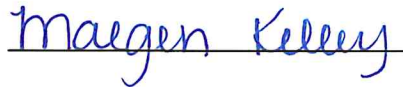
  
ROXANNE ADAMS  
CLERK OF COUNCIL

  
KERRI CALLAIS  
COUNCIL CHAIR

**Roxanne Adams**  
Clerk of Council

Delivered to the Parish President 6/19/2020 9:50am  
Date and Time

Received by



Approved 

Vetoed

Parish President

  
Guy McInnis

Returned to Clerk of the Council

6/19/20 4:30pm  
Date and Time

Received by



**Summary No. 3808**  
**Ordinance SBPC #2243-06-20**  
**Exhibit "A"**

**Chapter 22; Zoning**

**Section 22-1; Purpose and authority**

**Subsection 22-1-3; Establishments of districts**

**Sub-subsection 22-1-3.1; District and land use regulations**

**22-1-3 Establishment of districts**

22-1-3.1. *District and land-use regulations.* For the purpose of promoting the public health, safety, morals and general welfare of the Parish of St. Bernard, Louisiana, said parish is hereby divided into the following types of districts:

A-1 Rural District

R-1 Single-Family Residential District

R-1(MS) Mobile Home Subdivision Residential District

R-1(M) Single-Family Dwelling and Mobile Home Residential District

R-2 Two-Family Residential District

R-3 (MD) Multiple-Family Medium Density District

R-3 Multiple-Family Residential District

R-4 Mobile Home Trailer Parks

RO Residential Office

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Highway Commercial District

I-1 Light Industrial District

I-2 Heavy Industrial District

G-1 Government 1 (Temporary holding zone for properties acquired through the Louisiana Land Trust (LLT) program)

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**Chapter 22; Zoning**

**Section 22-5; Residential zoning districts**

**Subsection 22-5-3; Bulk and area requirements**

**Sec. 22-5. – Residential zoning districts**

22-5-3. *Bulk and area requirements.* In residential zones no building hereafter erected, reconstructed, remodeled or altered shall exceed the height, be located on a lot of less width and area, or have smaller yards or ground floor area than the minimum requirements listed below.

ZONE	R-1 Single-Family(5)	R-2 Two-Family	R-3 (MD) Multiple-Family Medium Density	R-3 Multi-family	R-1(MS) Mobile Home	R-1(M) Mobile Home Single-family	R-4 Mobile Home Trailer Parks
Minimum Lot Requirements							
Frontage	60'	60'	60'		60'	60'	30'
Lot area - sq. ft.	6,500	3,000(2) 6,500(3)	6500		6,500	6,500	3,500
Minimum Yard Requirements							
Front yard depth	20'(1)	20'(1)	18'(6)	18'(1)	(1)	10'(1)	(1)
Side yard (total)	10'	10'	10'	10'	16'	10'	12'
Side yard (per side)	10'/3(4)	3'	5'	5'	8'	3'	6'
Rear yard setback	20% lot depth. Max 25'	20% lot depth. Max 25'	10% lot depth. Max 15'	10% lot depth. Max 15'	10'	20% lot depth. Max 25'. 10' mobile homes	20% lot depth. Max 25'
Maximum Height Requirements							
Feet	35'		35'	35'	35'	35'	35'

Notes to residential bulk and area requirements:

- (1) See exceptions and modifications section 22-4-3.2.
- (2) Three thousand (3,000) square feet minimum per side per family for two-family dwellings.
- (3) Six thousand five hundred (6,500) square feet per family for single-family dwellings with a minimum lot frontage of sixty (60) feet.

- (4) A total of ten (10) feet and three (3) feet minimum per side.
- (5) All R-1 and R-2 zoned or single- or two-family use, regardless of zoning district, primary structures on regulation sized lots shall have a minimum living area of thirty-five (35) percent of the allowable building area (total lot square footage minus required yard setbacks) with a maximum required square footage of one thousand six hundred (1,600) square feet. All R-1 and R-2 zoned or single- or two-family use, regardless of zoning district, primary structures on nonconforming lots shall have a minimum living area of forty-five (45) percent of the allowable building area with a maximum required square footage of one thousand six hundred (1,600) square feet. Living area, for this definition, shall be defined as under roof and climate controlled occupied areas.
- (6) The front setback may be reduced to match the block face, which will be determined during the design review.

## Chapter 22; Zoning

### Section 22-5; Residential zoning districts

#### Subsection 22-5-4; Permitted uses in residential districts

##### Sec. 22-5. – Residential zoning districts

22-5-4. *Permitted uses in residential districts.* The following table identifies those uses that are permitted as of right and those permitted by conditional use permit in agricultural and residential zoning districts:

ZONE	R-1 Single- Family(5)	R-2 Two- Family	R-3 (MD) Multiple-Family Medium Density	R-3 Multi- family	R-1(M) Mobile Home Single-family	R-4 Mobile Home Trailer Parks
Single-family dwellings	P	P	P	P	P	
Two-family (two units)		P	P (9)	P		
Multi-family (more than three units) (1)			P (9)	P		
Single-family mobile home dwellings					P	
Mobile home trailer parks						P
Short-term rentals (STR)		P(8)	P(8)	P(8)	P(8)	P(8)

Boarding houses and lodging house			P	P		
Convalescent and nursing homes			P	P		
Apartment hotel			P	P		
Home occupation	P	P	P	P	P	
Parks and playgrounds (4)	P	P	P	P	P	P
Police and fire stations	P	P	P	P	P	P
Libraries and museums	CU	CU		CU	CU	CU
Cemeteries, crematories, and mausoleums	CU	CU		CU	CU	CU
Outdoor commercial recreation (2)	CU	CU		CU	CU	CU
Bed and breakfast (for not more than ten (10) guests)		CU				
Kindergartens and nursery schools	CU	CU		CU	CU	CU
Child care centers (3)	CU	CU		CU	CU	CU
Community centers	CU	CU		CU	CU	CU
Churches, temples, Sunday schools, parish house	P	P	P	P	P	P
Public and private schools, academic	CU	CU		CU	CU	CU



institutions						
Gardens, community or private (4)	P	P	P	P	P	P
Day care home, adult or child (5)	P	P	P	P	P	P
Day care center, adult or child - small (6)			P	P		
Day care center, adult or child - large (6)			P	P		
Group home, small (7)	P	P	P	P	P	P
Group home, large (7)			P	P	P	P
Group home, congregate (7)			P	P	P	P

P = Permitted Use and CU = Conditional Use

22-5-4.1. *Notes to permitted uses in residential districts.*

- (8) Short-term rental (STR): Rentals of a premises or any portion thereof for dwelling, lodging, or sleeping purposes with duration of occupancy of less than thirty (30) consecutive days.
  - (a) Short-term rentals, in all other zoning districts, are permitted as both whole house and room rentals.
  - (b) All short-term rentals shall be permitted by the department of community development, subject to a design review approval by the staff of community development.
  - (c) The permit fee shall be a yearly fee of five hundred dollars (\$500.00) and shall expire on June 1. The initial fee shall be pro-rated.
  - (d) Short-term rentals, with a history of excessive noise, unruly behavior, or illegal activity, documented by the sheriff's department or the department of community development, may have their permit revoked.
    1. Permit revocation: The director of community development shall submit a request to revoke the permit and provide a recommendation to the planning commission. The commission shall determine if the permit should be revoked. If revoked, the property owner must wait a year before reapplying for a permit. Any application for a permit that has been revoked, shall be reviewed and approved by the planning commission.
  - (e) Short-term rentals shall pay the hotel, motel and camping facilities occupancy tax. Refer to chapter 13, occupational license, taxes and regulations; article IX.

1. Online platforms, that facilitate short-term rentals, shall charge, collect, and remit the tax directly to the parish.
- (f) Short-term rentals shall pay the hotel, motel and camping facilities occupancy tax. Refer to chapter 13, occupational license, taxes and regulations; article IX.
  1. Online platforms, that facilitate short-term rentals, shall charge, collect, and remit the tax directly to the parish.

(9) Multiple-Family Medium Density District - Density, Design, and Development Standards.

- (a) The purpose of the district is to align and to be consistent with the medium density residential district in the Comprehensive Land Use Plan. The R-3 density chart in 22-4-3.3 shall not apply to the R-3 (MD) District. The density shall be 25 units per acre for developments with more than six (6) units. The minimum lot size for developments with three (3) or four (4) units shall be 10,000 sq. ft. The minimum lot size for developments with five (5) or six (6) units shall be 12,000 sq. ft.
- (b) Building design standards shall promote traditional design. The following standards are required. Buildings shall have 10' ceilings on all floors, Windows and doors shall have an 8' header height. All windows shall have a minimum 4" trim with 5/4" thickness. Windows with grilles must be located on the exterior of the window and permanently bonded. Vinyl siding is prohibited. Elevated structures shall have brick or stucco skirting. The department of community development will have discretion to approve the design for all proposed development projects. The applicant must receive an approved design review before receiving a building permit.
- (c) Site development standards in 22-7 for multi-family developments shall apply to the R-3 (MD) District. Each structure shall front onto the street with a majority of the units fronting onto the street to promote the development of a pedestrian-oriented neighborhood. If an applicant can demonstrate site issues that prevent a majority of the units from fronting onto the street, alternative designs can be considered during the design review. Parking shall be located in the rear or interior side yard. Building facades that front a public right-of-way or off-street parking area require additional landscaping adjacent to the building.
- (d) Additional standards apply to developments on undeveloped tracts of land or improved land over three (3) acres. Streets within the development shall meet the standards in 22-9-2.5.d *Required development standards* and promote a pedestrian-oriented neighborhood. The development shall include a minimum five (5) foot wide sidewalk, eight (8) foot wide planting area with a shade tree every 50 feet.