



St. Bernard Parish Council

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

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

#10

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, MARCH 16, 2021 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #2298-03-21

Summary No. 3858

Introduced by: Councilmember Luna on 12/1/20

Planning Commission **TABLED** on 1/26/21

Public Hearing held on 2/2/21

Planning Commission recommended **APPROVAL WITH CHANGES** on 2/23/21

Tabled by Council on March 2, 2021

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-6, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; SUB-SECTION 22-6-4, PERMITTED USES IN BUSINESSES AND INDUSTRIAL DISTRICTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that Chapter 22, Zoning; section 22-6, Commercial and Industrial Zoning Districts; sub-section 22-6-4, Permitted Uses in Businesses and Industrial Districts of the St. Bernard Parish Code of Ordinances is hereby amended as per attached 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.



St. Bernard Parish Council

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

Page -2-
Extract #10, continued
March 16, 2021

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

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

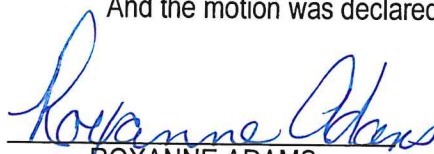
YEAS: Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: McCloskey, Moran

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

And the motion was declared **adopted** on the 16th day of March, 2021.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR


Delivered to the Parish President 3/18/2021 1:45pm
Date and Time

Received by Margen Kelley

Approved ✓

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

3/24/2021 10:35am
Date and Time

Received by

Louisa Lalouy

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

Chapter 22 - Zoning

Sec. 22-6 – Commercial and Industrial Zoning Districts

22-6-4 – Permitted Uses in Business and Industrial Districts

22-6-4. Permitted uses in business and industrial districts. The following table identifies those uses permitted by zoning district. All business and industrial uses, developments, and new construction, except for minor changes in use, require site plan approval by the commission, subject to the site development standards of section 22-6-7. Any use not expressly permitted by the commission shall be prohibited unless the commission determines that a use fits into the established use groups. In addition, the commission has the right to determine if any use meets the intent of the regulations.

Retail and Service Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Retail establishments		P	P	P	P			P(1)	P(1)
Service establishments, personal/professional		P	P	P	P			P	P
Retail/service establishments—Over 30,000 sq. ft.		P	P	P	P			P	P
Day care home, adult or child (14)		P						P	P
Day care center, adult or child—Small (15)		P	P	P		CU		P	P
Day care center, adult or child—Large (15)		P	P	P		CU		P	P
Day care center, adult or child—Commercial (15)		P	CU	P		CU			
Group home, small (16)		P	P	P				P	P
Group home, large (16)		P	P	P				P	
Group home, congregate (16)		P	P	P				P	
Grocery stores (under 18,000 square feet)		P	P	P	P				
Dry cleaning and laundromat establishments		P	P	P	P			P	
Restaurants (4)		P	P	P	P				P
Hotel		P	P	P	P				

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

Funeral home, mortuaries, morgues		P		P	P				
Parking lots		P	P	P					P
Truck stops (3)		CU			P	P	P		
Financial institutions and banks		P	P	P	P				
Bed and breakfast (≤10 guests)		P						P	P
Reception facility		P	P	P				P	P
Sno-ball stand (20)	P	P	P	P			P	P	

P = Permitted Use - CU = Conditional Use

General Office Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Office - general business and professional	P	P	P	P		P	P	P	P
Business and professional office buildings			P	P				P	P
Office (4)	P		P						
Contractor's office and storage yard		P			P	P	P		
Data processing centers	P								
Medical offices and laboratories			P	P				P	P
Hospitals				P				P	
Pain management clinics				P	P				
Urgent care clinics				P	P				
Abuse addiction treatment facility			CU	CU	CU				

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

P = Permitted Use - CU = Conditional Use

General Industrial Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Wholesale establishments		P		P		P	P		
Warehouse storage		P	P	P	P	P	P		
Warehousing and distribution		P				P	P		
Manufacturing - Light		P		CU	P	P	P		
Manufacturing - Heavy							P		
Research and experimental laboratories						P	P		
Light industrial				CU		P	P		
Heavy industrial							CU		
Scrap or salvage yard		CU				CU	P		
Explosives, ammunitions, fireworks, and storage							CU		
Refining and storage - Petroleum							CU		
Pharmaceutical products							CU		
Stockyards							CU		

P = Permitted Use - CU = Conditional Use

Automotive Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Car Wash		CU		P		P	P		
Motor Vehicle Service and Repair, Minor		P	CU(7)	P		P	P		

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

Motor Vehicle Service and Repair, Major		CU		P	<u>P</u>	P	P		
Truck Repair		P			P	P	P		
Motor Vehicle Dealerships (new or used)				P		P	P		
Junk Yard (Automotive)		CU				CU	CU		
Gas Station		P		P		P	P	P	CU
Truck Marshalling						CU	P		
Parking Structure				P					
Vehicle Impound Lot		CU		CU		P	P		
Vehicle Storage Lot		CU		CU	P	P	P	CU	
Vehicle Operations Facility		CU		CU		P	P		

P = Permitted Use - CU = Conditional Use

Agriculture and Residential Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Farming and agriculture		P				P	P	P	P
Convalescent and nursing homes				P	P			P	
Roadside Stand (Produce) (9)		P	P	P				P	P
Dockside Stand (Seafood) (10)		P							
Itinerant Market (Seasonal) (11)		CU	CU	CU				CU	CU
Trailer courts and parks		P							
Dwellings - Resident watchman and		P				P	P		

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

caretakers									
Farm dwellings and accessory farm buildings		P				P	P	P	P
Agriculture and farm implements		P				P	P	P	
Animal, poultry, and bird raising - Commercial		P				P	P		
Single-family dwelling	P	P	P		P	P		P	P
Mobile home dwelling		P			P	P		P	
Two-family dwelling	P	P	P	P	P	P		P	P
Garage apartment or guest house (6)								P	P
Multi-family dwelling units	P	P	P	P	P	P			
Short-term rentals	P(17)	P(17)	P(17)	P(17)	P(17)	P(17)	P(17)	P(17)	P(17)
Agricultural ponds, fish or shellfish ponds		P						P	
Garden, community or private (13)		P	P	P				P	P
Agricultural storage yard		P (21)							

P = Permitted Use - CU = Conditional Use

Other Uses	RO	A-1	C-1	C-2	C-3	I-1	I-2	SA	SBV
Libraries and museums		P	P	P	P			P	P
Golf courses		P						P	P

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

Barrooms					P				
Nightclubs					P				
Lounges					P				
Drive-in theaters		P		P	P				
Amusement places		P		P	P	P	P		
Kennel, boarding, or otherwise		P				P	P	P	P
Business schools			P	P	P				
Mini-warehouses		P	P	P	P	P	P		
Animal pound		P				P	P		
Riverboat gaming						CU	CU		
Heliports and private landing strips		P				P	P	CU	
Borrows or excavation pits		CU						CU	
Oil and gas exploration and development		CU					CU	CU	
Private utilities and railroads		P	P	P		P	P		
Temporary commercial amusements		P	P	P		P	P		
Recreation developments		P	P	P		P	P		
Airports		P	P	P		P	P		
Communications towers		P(22)	P (22)	P(22)	P(22)	P(22)	P(22)	P(22)	

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

Cemeteries, crematories, and mausoleums		P							CU
Outdoor commercial recreation (2)									CU
Kindergartens and nursery schools		P	P	P	P			P	CU
Child care centers (3)		P	P						CU
Community centers		P	P	P	P				CU
Clubs and lodges		P						CU	CU
Churches, temples, Sunday schools, parish house		P	P	P	P	P	P	P	P
Public/private schools, academic institutions		P	P	P	P			CU	CU
Sound stage/movie studio				P(8)	P(8)	P(8)	P(8)		
Micro-brewery		P		CU	P	P	P		
Food truck, enclosed food trailer, (accessory) (12)	CU	CU	CU	CU	CU	CU	CU	CU	CU
Open food trailer	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreational vehicles (personal use) (18)		P(18)							
Recreational vehicle parks (19)		CU(19)						CU (19)	

P = Permitted Use - CU = Conditional Use

Notes to business and industrial district uses:

- (1) Individual retail stores under nine thousand (9,000) square feet.
- (2) Retail stores limited to one thousand five hundred (1,500) square feet of retail floor area, but no pawn shops or package liquor stores or sales of any alcoholic beverages.
- (3) See section 22-6-7.1 below for additional requirements.

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

- (4) An office containing an area of not more than five (5) percent of the gross floor area of the development located in a main building for administration of a multiple-family development.
- (5) See section 22-6-8.3 below for additional requirements.
- (6) One (1) garage apartment or guest home under one thousand (1,000) square feet of habitable floor space on lots of at least twelve thousand (12,000) square feet.
- (7) Gasoline service stations, lubricating and oil change services, convenience markets, services centers or functions:
 - a. Shall not include the following:
 - Any outdoor service operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation);
 - The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
 - Commercial parking of vehicles;
 - Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or
 - Dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.
 - b. Shall have a maximum of three (3) indoor service bays.
 - c. The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:
 - Accessory to the primary use;
 - Located immediately adjacent to the primary structure, but not within any required yard or required transitional yard;
 - Not more than two hundred (200) square feet in total area;
 - Maintained in an orderly manner; and
 - Not illuminated.
 - d. A maximum of two hundred (200) square feet of inoperable vehicles that can be stored on site. All vehicles to be left overnight must be in a fenced in perimeter.
- (8) Movie studios must meet the following conditions:
 - a. Sound stages shall be soundproofed.
 - b. Sound stages shall total more than twenty thousand (20,000) square feet of gross floor area.
 - c. Movie studios shall be located on at least one (1) acre of land.
 - d. All buildings shall have a related design in terms of exterior materials, style, and color.
 - e. Fences and walls may be up to ten (10) feet in height with conditional use approval.
- (9) Roadside stand (produce) shall meet the following conditions:
 - a. Roadside stands shall be located on private property. Stand locations and parking within public rights-of-way shall be strictly prohibited.
 - b. Permits/business licenses issued on a one (1) calendar year basis.
 - c. Shall designate one thousand (1,000) square feet of off-street parking area.

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

- d. In no event shall the permittee or anyone else be allowed to sell produce within one thousand (1,000) feet of an established roadside stand or retail entity (grocery) with produce sales.
 - e. Any person with a farmer's license or employee of a licensed farmer shall be exempt from these restrictions.
- (10) Dockside stand (seafood) shall meet the following conditions:
- a. Dockside stands shall be located on the dock for which the marine vessel is moored. Stand locations within public rights-of-way shall be strictly prohibited.
 - b. Permits/business licenses issued on a one (1) calendar year basis.
 - c. Required off-street parking areas shall not apply to this use.
 - d. In no event shall the permittee or anyone else be allowed to sell seafood within one thousand (1,000) feet of an established seafood market, restaurant or retail entity (grocery) with fresh seafood sales.
- (11) Itinerant market (seasonal) shall meet the following conditions:
- a. Itinerant markets shall be located on private property. Market or stand locations and parking within public rights-of-way shall be strictly prohibited.
 - b. Permits/business licenses issued on a one (1) calendar year basis.
 - c. Shall designate one thousand (1,000) square feet of off-street parking area.
 - d. In no event shall the permittee or anyone else be allowed to sell any products within one thousand (1,000) feet of an established retail entity with sales of similar goods or other itinerant markets.
 - e. An itinerant market must be approved per conditional use by parish council.
- (12) Food trucks shall meet the following conditions:
- a. A food truck, enclosed food trailer shall be located on private property with a primary use (no vacant lots), subject to permission from the property's owner. A food truck, enclosed food trailer shall be strictly prohibited from parking within public rights-of-way, except for the Old Arabi Mixed Use and Riverfront Districts.
 - b. Permits/business licenses shall be issued to each individual food truck, enclosed food trailer on a one (1) calendar year basis.
 - c. Food trucks shall only operate on Monday thru Saturday from 7:00 a.m. to 9:00 p.m. and must vacate premises during non-hours of operation. Vendors outside of the levee protection are exempt from this requirement.
 - d. In no event shall the permittee or anyone else be allowed to operate a food truck within one thousand (1,000) feet of an established restaurant or other food truck (excluding special events).
 - e. Each individual food truck, enclosed food trailer may petition to use multiple locations and [be] allowed to operate within all non-residentially zoned districts, per conditional use approval by parish council.
 - f. A food truck, enclosed food trailer permit shall be issued only to vendors operating in conjunction with a St. Bernard Parish licensed food establishment for state mobile vendor permit purposes in accordance with applicable state statutes. Vendors in Old Arabi Mixed Use and Riverfront Districts are exempt from this requirement.
 - g. Any food truck, enclosed food trailer shall be licensed with the Louisiana Department of Health and Hospitals and have a completed fire inspection prior to applying for a permit with St. Bernard Parish Government.
 - h. All above conditions must be met before applications can be submitted to the St. Bernard Parish Council.
- (13) Garden, community or private are subject to the following development standards:
- a. All district bulk and area requirements shall be observed;

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

- b. Designated setbacks shall be landscaped;
 - c. Open wooden or wrought iron fencing, not to exceed four (4) feet in height, shall encompass the site's perimeter. An ingress/egress gate shall be placed adjacent to the front property line;
 - d. Accessory structure and secondary structures such as sheds, gazebos, cabanas, green houses or similar structures in accordance with section 22-4-2.14.D.2, along with utilities may be utilized in support of this use;
 - e. Signage demarcating responsible parties and contact information shall be placed adjacent to the front property line of the site;
 - f. Keeping of livestock, including large animals and fowl, is prohibited;
 - g. Onsite retail sales are prohibited;
 - h. Off-street parking requirements shall be exempted;
 - i. Operations and maintenance plan that includes 24/7 point of contact information for the responsible party;
 - j. All public projects shall be exempt for these provisions to: Section 5-21, exemption of government buildings and lands.
- (14) Day care home, adult or child:
- a. Each day care home shall comply with all applicable state and federal regulations, including the Louisiana Administrative Code.
 - b. The day care home shall retain a residential character and shall not alter the residential character of the neighborhood.
 - c. Day care home, adult or child is a permitted use when accessory to a church or school.
 - d. No accessory buildings or structures shall be occupied as a part of day care home operations with exceptions to outdoor play areas and equipment (child).
 - e. No adult or child (client) may remain on the premises of a day care home for more than twenty-four (24) consecutive hours in one (1) stay.
- (15) Day care center, adult or child:
- a. Each day care center shall comply with all applicable state and federal regulations, including regulations within the Louisiana Administrative Code.
 - b. The operator of any day care center shall be licensed by the State of Louisiana.
 - c. Day care center, adult or child is a permitted use when accessory to a church or school.
 - d. No adult or child may remain on the premises of a day care center for more than twenty-four (24) consecutive hours in one (1) stay. However, day care center operations may remain open twenty-four (24) hours a day to accommodate client needs in commercial zoning districts.
 - e. An on-site drop-off and/or residential passenger zone is required. Stacked parking is permitted. The use of van or bus service is encouraged.
- (16) Group home:
- a. Group homes shall be licensed by the State of Louisiana.
 - b. Group homes are subject to all local and federal regulations and the regulations of the Louisiana Administrative Code.
 - c. A group home shall encompass the entire structure.
 - d. Group homes shall retain a residential character and shall not alter the character of the neighborhood.

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

- e. There are no parish zoning requirements for group homes other than those in chapter 22 of the Zoning Ordinance for the Parish of St. Bernard.
- (17) 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 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 and undergo design review.
 - (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 St. Bernard Parish Council. The council 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 St. Bernard Parish Council.
 - (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.
- (18) Recreational vehicles (personal use) shall be subject to the requirements of section 22-9-5.6 (outside of federal levee protection system).
- (19) Recreational vehicle parks shall be subject to the requirements of sections 22-9-5.1 through 22-9-5.4 (inside of federal levee protection system) and section 22-9-5.5 (outside of federal levee protection system).
- (20) Sno-ball stands shall meet the following requirements:
 - a. Sno-ball stands shall be exempt from parking lot area and landscaping development standards.
- (21) Agricultural storage yards are permitted only outside of the federal levee protection.
- (22) Communication towers shall meet the following standards when located in C-1, C-2, C-3, I-1, I-2, SA, and A-1 zoning districts. Property located outside of the federal levee protection system is exempt from the standards in (22) c&d.

The

following site standards shall apply:

- a. Setbacks. The lot where the tower is proposed shall be setback 200' from the state highway, and there shall be a lot with a minimum area of 6500 sq. ft. between the highway and the proposed lot. Any tower constructed for communications or cellular phone purposes shall be set back a distance equal to or greater than its height from: (1) Any property used for residential purposes. (2) Any road or highway that is the sole ingress or egress. (3) Any navigable waterway.
- b. Tower Design. The tower itself must be of such design and treated with an architectural material so that it is concealed to resemble a tree with a single trunk and branches on its upper part, a flagpole, a clock tower, or something similar approved by the director of the department of community development. Towers shall not be greater than one hundred twenty (120) feet in height. A traditional tower or communications equipment located on a building's roof shall be concealed.
- c. Walls. Walls shall be constructed of decorative block or stuccoed masonry block. Barbed wire or razor wire fencing is prohibited. Walls shall conceal equipment and be at least eight (8) in height.

Summary No. 3858
Exhibit "A"
Ordinance SBPC #2298-03-21

- d. Landscape. At least one (1) row of evergreen shrubs or trees shall be located within twenty (20) feet of the tower's base. Trees and shrubs shall be a minimum of four (4) feet high when planted and spaced not more than fifteen (15) feet apart. All driveways and parking areas shall be concrete.
- e. Submittal. A submittal shall include a survey, a site plan, a landscaping plan, a wall detail, and engineered plans with elevations for the tower.
- f. Fees. The fee for a communication tower shall be \$1,000 dollars.
- g. Nonconforming communication towers. Any communication tower that is being upgraded or repaired at a cost exceeding \$100,000 shall meet the site standards listed in (22)c-f.