



# St. Bernard Parish Council

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

**#12**

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 6, 2023 AT SEVEN O'CLOCK P.M.

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

## ORDINANCE SBPC #2498-06-23

### Summary No. 4091

Introduced by: Administration on 5/16/23

Public Hearing held on 6/6/23

AN ORDINANCE TO AMEND APPENDIX A- SUBDIVISION REGULATIONS; SECTION 1, GENERAL PROVISIONS; SUBSECTION 1.4, ORDINANCE AND CREATE SECTION 2, SUBDIVISION OF LAND PROCEDURE; SUBSECTION 2.7, SUBDIVISION OF LOT NEXT DOOR PROPERTIES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

### ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby amend Appendix A – Subdivision Regulations; Section 1, General Provisions; Subsection 1.4, Ordinance and create Section 2, Subdivision of Land Procedure; Subsection 2.7, Subdivision of Lot Next Door Properties 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 approval of the State of Louisiana. 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 and then approved by the State of Louisiana 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 expressing and declaring that it would have adopted the remaining portion of 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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Extract #12, continued  
June 6, 2023

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

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

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

**NAYS:** None

**ABSENT:** Luna, Lewis

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

And the motion was declared adopted on the 6<sup>th</sup> day of June, 2023.

Roxanne Adams  
ROXANNE ADAMS  
CLERK OF COUNCIL

Kerri Callais  
KERRI CALLAIS  
COUNCIL VICE CHAIR

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

Delivered to the Parish President 6/9/23 11:15 am  
Date and Time

**Roxanne Adams**  
Clerk of Council

Received by

Maegen Kelley

Approved ✓

Vetoed \_\_\_\_\_

Parish President

Guy McInnis  
Guy McInnis

Returned to Clerk of the Council

6/12/23 9:30am  
Date and Time

Received by

Parissa Kelley

**Summary No. 4091**  
**Ordinance SBPC #2498-06-23**  
**Exhibit "A"**

## **Appendix A – Special Regulations**

### **SECTION 1: - GENERAL PROVISIONS**

#### **1.4. – Ordinance.**

(6) By authority of Ordinance SBPC #2498-06-23, the Director of Community Development shall have authority to review applications for the subdivision of properties purchased through the Lot Next Door I and Lot Next Door II programs for facial compliance with the rules promulgated herein and, should initial facial compliance be determined, submit same to the planning commission for ultimate approval or denial.

### **SECTION 2: - SUBDIVISION OF LAND PROCEDURE**

#### **2.7. – Subdivision of Lot Next Door Properties**

(A) Purpose. Under the Lot Next Door I and Lot Next Door II programs, property owners could purchase multiple lots adjoining their currently owned property so long as said lots were subdivided into a single lot with the currently owned property. The intent of said programs was to create lots which (i) would promote redevelopment and (ii) conformed to certain minimum sizes in compliance with the parish's Comprehensive Zoning Ordinance and in furtherance of the parish's Master Plan. Upon review, St. Bernard Parish Government has determined that in some instances these programs have resulted in single lots of such large size that they essentially alter the character of the neighborhoods in which they are located. This Subsection is intended to permit the subdivision of Lot Next Door properties into more than one (1) lot in a manner which comports with the Comprehensive Zoning Ordinance and continues to further the Master Plan.

(B) Lot Area and Width. A Lot Next Door property may be subdivided into more than one (1) lot if, in addition to complying with all applicable zoning ordinances, the resulting lots each would have a frontage of seventy-five (75) feet and a minimum lot area of seven thousand (7000) square feet. In addition, a portion of a Lot Next Door property may be sold to an adjoining landowner so long as (i) said portion is subdivided and combined with said adjoining landowner's property to create a single lot and (ii) the Lot Next Door property retains a minimum frontage of seventy-five (75) feet and minimum lot area of seven thousand (7000) square feet.

(C) Through Lots. When subdividing a through lot, any originally platted lots fronting on the same street must remain combined unless they meet the lot area and width requirements set forth in Section B above. If the rear portion of a through lot is only comprised of one originally platted lot, the rear lot may be subdivided into a nonconforming lot. Corner lots are not considered through lots.

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**Exhibit "A"**

(D) **Servitudes.** In some instances, subdivisions under the Lot Next Door program resulted in shared side lot line servitudes being located in the center of double and triple lots. This shall not be considered a hardship and may prevent owners from subdividing their Lot Next Door property under this Subsection.

(E) **Fee.** All costs and fees associated with the subdivision of Lot Next Door properties shall be the responsibility of the owner. In addition to the normal costs and fees associated with a minor subdivision, there shall be a five hundred (\$500) dollar cost payable to St. Bernard Parish Government associated with the subdivision of Lot Next Door properties.

(F) **Application.** The department of community will receive applications to subdivide Lot Next Door properties. The director of the department of community development shall conduct a review of said applications. If the application meets the requirements set forth in this subsection, the director of the department of community development shall submit the application to the Planning Commission. The Planning Commission shall have the discretion to accept or reject an application which has passed the initial review conducted by the director of the department of community development.

(G) **Appeal.** The denial of an application by the Planning Commission may be appealed to the 34<sup>th</sup> Judicial District Court for the Parish of St. Bernard pursuant to the following rules:

- a. A petition for appeal must be filed with the 34<sup>th</sup> Judicial District Court within thirty (30) calendar days of the date the Planning Commission denies such application. The petition for appeal must (i) contain a request that a return date be set at least fifty (50) days from the date the petition for appeal is filed, (ii) contain a request that the court issue a scheduling order setting forth deadlines for responsive pleadings, briefs, motions (if applicable), and/or a time and date for oral arguments, and (iii) be accompanied by the payment of all costs required by the clerk of court for filing the appeal.
- b. The Petitioner shall request service of the petition for appeal on the director of the department of community development and the Planning Commission's chairperson.
- c. Upon receipt of the petition for appeal, the Planning Commission shall calculate the estimated cost for preparation of the record, including the costs of transcripts and any necessary security, and shall mail its written estimate of costs to the appellant.
- d. The appellant shall have thirty (30) days from the date said written notice of estimated costs is mailed to remit payment of estimated costs to St. Bernard Parish Government.
- e. Should the actual cost for preparation of the record, including any necessary transcript(s), exceed the amount cited in the written estimate of costs, the Planning Commission shall issue a supplemental notice to the appellant as to the actual cost.

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- f. The Planning Commission shall have the duty of preparing the record and lodging same with the 34<sup>th</sup> Judicial District Court on or before the return date. Failure of the Planning Commission to prepare and lodge the record either timely or correctly shall not prejudice the appeal, unless caused by the failure of appellant to pay the costs of preparing the record.
- g. An extension of the return date shall be granted for cause only, which cause does not include the appellant's failure to pay costs associated with the preparation of the record or any transcript(s).
- h. The appellant is responsible for all costs associated with the appeal.
- i. Failure of the appellant to timely pay the estimated cost for preparing the record and/or transcript(s) shall result in a dismissal of the appeal with prejudice, and with appellant to pay all costs.
- j. All records, whether original or supplemental, filed shall be certified and dated by the clerk of court.
- k. The 34<sup>th</sup> Judicial District Court shall not hear new testimony or accept new evidence; and instead must make its decision based upon the record provided by the Planning Commission and oral arguments.