



# St. Bernard Parish Council

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

#27

**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, SEPTEMBER 5, 2017 AT SEVEN O'CLOCK P.M.

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

## ORDINANCE SBPC# 1998-09-17

### Summary No. 3517

Introduced by: Councilman Lewis on 8/1/17

Planning Commission recommended **APPROVAL** on 8/22/17

Public hearing held on 9/5/17

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-4; GENERAL PROVISIONS, SUBSECTION 22-4-2.4; ACCESSORY BUILDINGS AND STRUCTURES AND SECTION 22-5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 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 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The St. Bernard Parish Council does hereby amend Chapter 22; Zoning, Section 22-4; General Provisions, Subsection 22-4-2.4; Accessory Buildings and Structures and Section 22-5; Residential Zoning Districts, Subsection 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 of the St. Bernard Parish Code of Ordinances 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 #27 continued  
September 5, 2017

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

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

**NAYS:** None

**ABSENT:** McCloskey

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

And the motion was declared **adopted** on the 5<sup>th</sup> day of September, 2017.

ROXANNE ADAMS  
CLERK OF COUNCIL

RICHARD LEWIS  
COUNCIL CHAIR

Delivered to the Parish President

9/8/17 2:50pm

Date and Time

Received by

Approved

Vetoed

Guy McInnis

Parish President

Returned to Clerk of the Council

9/11/2017 11:37am

Date and Time

Received by

**EXHIBIT "A"**  
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Sec. 22-4. - General provisions.

*Omit for Brevity*

22-4-2.14. Accessory buildings and structures.

- (a) The following provisions shall regulate the location of accessory buildings with respect to required yards:
  - (1) Accessory buildings shall be prohibited in any required front yard or side street side yard.
  - (2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.
  - (3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.
  - (4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.
- (b) Accessory buildings shall not exceed eighteen (18) feet in mean height except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.
- (c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than seventy (70) percent of the required rear yard
- (d) Metal accessory buildings shall not exceed one hundred twenty (120) square feet and nine (9) feet in height; and shall not be located closer than fifty (50) feet to a front property line.
- (e) For purposes of this chapter, shipping containers, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
  - (1) A shipping container or similar items are prohibited from the following zoning districts: R-1, R-2, R-3, R-1(M), R-4, RO, C-1, C-2, C-3 and SBV.
  - (2) Shipping containers or similar items are not subject to variances or waivers by the board of zoning adjustments in zoning districts where prohibited.
  - (3) Shipping containers or similar items may be used for the temporary location of an office, equipment and/or materials storage structure during non-residential construction which is taking place on the property where the shipping container or similar item is located, subject to an active building permit.

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(4) The temporary placement of portable site storage containers (PODS) not exceeding one hundred fifty (150) square feet in total area on residentially zoned properties, or on properties the primary use of which is residential, for a limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) days in any twelve-month period. An extension is subject to the review and approval of the director of the department of community development.

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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.

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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):
  - 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 (1000) 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.
  - b. Accessory buildings and structures with plumbing improvements shall meet parish requirements for elevated dwellings.
    1. Plumbing improvements shall consist of not more than a toilet, sink, washer and dryer.
  - c. Property owners who seek to build an accessory building or structure with an enclosure exceeding five hundred (500) square feet shall meet the parish's requirements for elevated dwellings.
  - d. Residential accessory buildings and structures shall not exceed eighteen (18) feet in height 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.
  - 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 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.

**22-5-6. Permitted accessory uses.**

- a. Those uses that are customary and incidental to a residential use or those permitted, including conditional uses. The parking or storage of automobiles shall be considered as an accessory use, and may be located only in the side or rear yard.
- b. Accessory uses may require a site plan showing the location of all buildings, parking areas, traffic accesses, storm drainage, open space, sanitary disposal facilities, landscaping, and other requirements deemed necessary by the director of community development.

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- c. Home occupations in accordance with section 22-5-7 below.
- d. Professional office of the resident owner or resident family member provided that no non-resident is engaged in the activity at the site and the use does not change the exterior appearance of the property.
- e. Family day care of six (6) or less children.
- f. Tag, lawn, yard or similar sales, confined to the sale of items formerly used on the premises and not items made or purchased for the sale, are permitted uses no more than two (2) consecutive days two (2) times a year.
- g. Off-street parking or garaging of resident's vehicle(s) subject to the following restrictions:
  - 1. Not more than one (1) commercial vehicle with or without commercial markings;
  - 2. In any case, no trucks, buses, trailers, construction equipment or any other vehicles exceeding medium duty class four (4), excluding recreational vehicles (includes travel trailers and fifth wheels);
  - 3. The sale of no more than two (2) vehicles per year that were previously or currently registered at that property.
  - 4. The parking and storing of no more than two (2) boats and/or recreational vehicles in any combination.
- h. A private garage for not more than four (4) automobiles shall be considered an accessory use, and if detached, may be located only in the side or rear yard.
  - 1. The parking or storage of automobiles shall be considered as an accessory use, and may be located only in the side or rear yard behind the front yard setback or main structure or dwelling unit whichever is greater.
- i. Recreational vehicles and boats may be stored or parked on a property when accompanied by and accessory to a completed dwelling with a certificate of occupancy on any one (1) to four (4) family residential property, excluding A-1 Rural and SA Suburban Agricultural, subject to the following:
  - 1. Such equipment may not be more than thirty-five (35) feet in length and thirteen (13) feet in height if stored outdoors (not in a garage or other completely enclosed structure) they shall:
    - a. Not be stored within the required front yard setback or precede the front façade of the primary dwelling, whichever is greater;
    - b. Not be within five (5) feet of the side or rear property line, if stored on any other portion of the lot; and;
    - c. Be no more than two (2) of either type of vehicle which can be stored.
  - 2. Such equipment may be parked in a driveway of a residential premises for a period not exceeding forty-eight (48) hours to allow for loading and unloading. Storage shall be considered parking beyond forty-eight (48) hours.
  - 3. Any recreational vehicle or boat parked or stored in any zoning district, whether it be residential or nonresidential, shall not be used for living, sleeping or housekeeping purposes.

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4. Any recreational vehicle or boat stored on a residentially zoned lot without a completed dwelling with a certificate of occupancy shall be considered a commercial storage operation and therefore shall be expressly prohibited.
- j. For any building or complex with more than four (4) dwellings units, recreational vehicles and boat parking must be separate and detached from the required parking area and shall be provided in the rear yard and must be approved by site plan.