



St. Bernard Parish Council

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

#10

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 21, 2017 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #2017-11-17

Summary No. 3530

Introduced by: Councilmember Luna on 9/19/17

Planning Commission recommended APPROVAL on 10/24/17

Public hearing held on 11/7/17

Tabled on 11/7/17 until 11/21/17

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 22-10; ADMINISTRATION AND ENFORCEMENT, SUBSECTION 22-10-1; PLANNING COMMISSION OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend Chapter 22; Zoning, Section 22-10; Administration and Enforcement, Subsection 22-10-1; Planning Commission of the St. Bernard Parish Code of Ordinances as per 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.



St. Bernard Parish Council

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

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

Page -2-
Extract #10 continued
November 21, 2017

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

YEAS: McCloskey, Luna, Alcon

NAYS: None

ABSENT: Gorbaty, Montelongo, Lewis

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

And the motion was declared adopted on the 21st day of November, 2017.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL VICE-CHAIR

Delivered to the Parish President

11/22/2017 9:00am
Date and Time

Received by

Approved

Vetoed

Guy McInnis

Parish President

Returned to Clerk of the Council

11/22/2017 11:20am
Date and Time

Received by

EXHIBIT "A"
SUMMARY NO. 3530
ORDINANCE SBPC #2017-11-17

Chapter 22 Zoning
Section 22-10 Administration and enforcement
Subsection 22-10-1 Planning Commission

22-10-1.2. *Conditional use application.*

- a. Each application for a conditional use shall, unless waived by the commission, be accompanied by a site plan application.
- b. The applicant shall submit a narrative explaining how the development complies with the requirements of section 22-8.
- c. Whenever the commission acts upon a conditional use, it shall state upon its records the reason for its decision.
- d. Any use for which a conditional use has been granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the specific activity for which such approval was granted. The applicant shall obtain a building permit and commence with construction or use within two (2) years of the date of Council approval. Failure to do so will nullify the conditional use. The applicant shall be required to resubmit an application to the Planning Commission with final approval from the Council, if the conditional use expires.

22-10-1.3. *Site plan application for conditional uses.*

- a. Site plan applications shall be submitted on forms supplied by the department of community development for any development of buildings, structures, activities, or uses designated in the regulations as requiring site plan approval.
- b. Approval may be granted for work that is to be commenced and/or finished in phases provided that no building permit shall be issued for any approved phase until a performance bond with security has been accepted by the commission to ensure completion and independent viability of that phase, regardless of the state of completion of any other phase.
- c. An applicant shall be encouraged to delineate contemplated future additions or phased expansion and accompanying parking, landscaping, lighting, storm drainage on the initial application.
- d. Applications for site plan approval shall be accompanied by:
 - A narrative description of the proposed development and all proposed uses.
 - A written statement that the applicant has met in the field with the state department of transportation concerning any proposed construction within the state highway.
 - Eight (8) copies of full size detailed plans (and ten (10) copies eleven (11) inches × seventeen (17) inches) for review by the commission.
- e. The commission may require the submission of additional information as is deemed necessary to make a reasonable review of the application with regard to:
 - Soil conditions, including locations and depth of rock ledge, ground water conditions, and other such information;
 - A soils-engineering investigation, including a report addressing the nature, distribution, and strength of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures;

EXHIBIT "A"
SUMMARY NO. 3530
ORDINANCE SBPC #2017-11-17

- Easements and/or rights-of-way, including copies of any instrument evidencing such a right and a statement that the applicant has notified such parties of the proposed alterations to the parcel and the impact such alterations would have on the right.
- f. In the review of site plans the commission shall give specific consideration to the design of the following:
 1. *Traffic access.* That all proposed traffic access ways are:
 - a. Adequate but not excessive in number;
 - b. Adequate in width, grade, sight distances, alignment and visibility; and
 - c. Not located too near street corners or other places of public assembly.
 - d. The commission may require a traffic study to demonstrate the proposed development will not create traffic hazards.
 2. *Circulation and parking.*
 - a. That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use; and
 - b. That the interior circulation system is adequate to provide safe accessibility to all required off-street parking.
 3. *Landscaping and screening.*
 - a. That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent lots and streets; and
 - b. That the general landscaping of the site is in character with that generally prevailing in the neighborhood.
 4. *Illumination.* That lighting from the installation of outdoor flood or spot lighting and illuminated signs:
 - a. Are of a reasonable intensity of illumination for the purpose served; and
 - b. Will be properly shielded so that such lighting will not adversely affect any abutting property or public street.
 - c. Light posts on business and industrial properties should be full cut off with a maximum height of sixteen (16) feet.
 5. *Character and appearance.* That the character and appearance of the proposed use, building, and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood.
 6. The commission may recommend and council reserves the right to set conditions of approval for any site plan for the purpose of health safety and welfare. Such conditions may include, but are not limited to hours of operation, lighting, parking, landscaping, and number of vehicle trips per day.
- g. No work shall be commenced until:
 1. A building permit has been applied for and approved;
 2. Record plans have been submitted by the applicant;
 3. The applicant has filed a performance bond with the commission in an amount acceptable to the parish engineer and the commission and form acceptable to the parish attorney guaranteeing completion of those items specified by the commission and these regulations; and
 4. The commission has signed the record plans.
- h. Site plan approval shall become null and void in one (1) year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved.

EXHIBIT "A"
SUMMARY NO. 3530
ORDINANCE SBPC #2017-11-17

- i. Bonds will not be released until:
 1. The release has been requested, in writing, by the developer.
 2. The parish engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the commission's approval have been satisfied.
 3. The applicant's engineer or surveyor has certified to the commission, through submission of a set of detailed "record" plans on translucent cloth or polyester film, that all public improvements are in accordance with submitted site plans.
- j. Proposed modifications to approved site plans shall be submitted to the director of the department of community development for review. Minor changes may be approved by the director of the department of community development or submitted to the commission for review. Major changes (additional building area, alteration of building location) shall be submitted to the commission for additional review.