



St. Bernard Parish Council

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

#19

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 15, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1836-11-16

Summary No. 3437

Planning Commission recommended **APPROVAL** on 10/25/16

Introduced by: Administration on 11/2/16

Public hearing held on 11/15/16

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 2; INTERPRETATION, SUBSECTION 4; DEFINITIONS, SECTION 4; GENERAL PROVISIONS, SUBSECTION 2.14; ACCESSORY BUILDINGS AND STRUCTURES, SECTION 5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 5; PERMITTED ACCESSORY BUILDINGS AND STRUCTURES AND SECTION 6; COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, SUBSECTION 5; PERMITTED ACCESSORY USES 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 2; Interpretation, Subsection 4; Definitions, Section 4; General Provisions, Subsection 2.14; Accessory Buildings and Structures, Section 5; Residential zoning districts, Subsection 5; Permitted accessory buildings and structures and Section 6; Commercial and industrial zoning districts, Subsection 5; Permitted accessory uses to 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 this Ordinance with the invalid portions omitted.

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



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Page -2-
Extract #19 continued
November 15, 2016

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

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

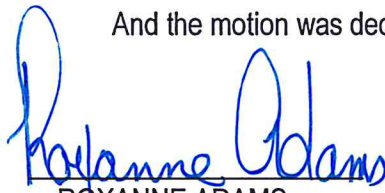
YEAS: McCloskey, Luna, Alcon, Montelongo, Lewis

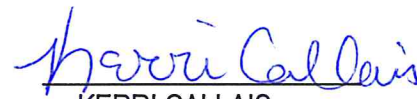
NAYS: None

ABSENT: Gorbaty

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

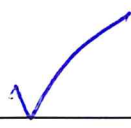
And the motion was declared **adopted** on the 15th day of November, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President

11/17/2016 3:30pm
Date and Time

Approved 

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

12/1/2016 2:56pm
Date and Time

Received by

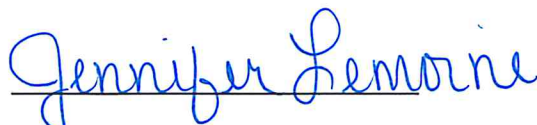


EXHIBIT "A"
SUMMARY NO. 3437
ORDINANCE SBPC #1836-11-16

Chapter 22 – Zoning
Section 2 – Interpretation
Subsection 4 - Definitions

Accessory building and accessory uses:

- (a) *Accessory building.* A structurally detached building, except by roof, subordinate to the principal building on a lot, the use of which is customarily incidental to that of the principal building and not used as a place of habitation.

Note: 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.

- (b) *Accessory use.* A subordinate use which is incidental to and customary or necessary in connection with the principally permitted use of a building or a principally permitted use, and which is located on the same lot with such principal building or use.

Shipping Container or similar items:

- (a) A standardized reusable vessel that was originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities or having a similar appearance to and similar characteristics of cargo containers.

Chapter 22 – Zoning
Section 4 – General Provisions
Subsection 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 one (1) story or thirteen (13) feet in height except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

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- (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, and in no case shall it exceed the lot coverage nor the total square footage of the building to which it is accessory.
- (d) There shall not be more than one (1) accessory building or structure permitted to cover any part of a required rear or side yard with the following exceptions:
 - (1) Dish antennas in any zone.
 - (2) A second accessory storage shed, gazebo, cabana, greenhouse or similar structure shall be permitted so long as the total square footage of all accessory buildings in the required rear yard does not exceed seventy (70) percent of this area.
- (e) 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.
- (f) 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.
 - (4) The temporary placement of portable site storage containers (PODS) not exceeding 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 30 days in any twelve (12) month period. An extension is subject to the review and approval of the Director of the Department of Community Development.

Chapter 22 – Zoning
Section 5 – Residential zoning districts
Subsection 5 - Permitted accessory buildings and structures

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.

EXHIBIT "A"
SUMMARY NO. 3437
ORDINANCE SBPC #1836-11-16

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.
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 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, and in no case shall the size exceed one thousand two hundred (1,200) square feet under roof with the enclosed portion not to exceed five hundred (500) square feet. 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 have received a variance 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 thirteen (13) feet in height.
 - 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.

EXHIBIT “A”
SUMMARY NO. 3437
ORDINANCE SBPC #1836-11-16

- 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.
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Chapter 22 – Zoning
Section 6 – Commercial and industrial zoning districts
Subsection 5 - Permitted accessory uses

22-6-5.1. *Outdoor storage.* Outdoor storage may be permitted in business, rural and industrial zones under the following conditions:

- a. *Materials.*
 - 1. All outdoor bulk storage items, including recyclable materials, shall be in approved, enclosed containers.
 - 2. No outside storage shall be placed outdoors that will attract animals or insects.
 - 3. No perishable merchandise shall be stored outdoors.
- b. *Location requirements.*
 - 1. Any outdoor storage and all structures required for stored materials shall have been shown and designated on an approved site plan as outdoor storage.
 - 2. No outdoor storage shall be allowed in the required front, side, or rear yards, or buffers.
 - 3. No outdoor storage shall be allowed such as will reduce the amount of parking in parking areas below the minimum required for the site.
 - 4. All outdoor storage shall be buffered from residential zones and uses with a twenty-foot-wide landscaped buffer.
 - 5. Outdoor storage shall be screened by a fence, wall or hedge (subject to district regulations) so as not to be visible from any street, residential, or municipal property.
 - 6. Any outdoor storage, including shipping containers or similar items, shall not be considered as a principle use in any zone.
- c. *Industrial zone requirements.* In the industrial zones, outside storage of materials shall be subject to the following additional provisions:
 - 1. Outside storage shall be located to the rear or the side of the principal building.
 - 2. A landscape buffer shall be provided surrounding all storage areas;

EXHIBIT "A"
SUMMARY NO. 3437
ORDINANCE SBPC #1836-11-16

3. Outside storage may include storage of vehicles and storage of materials. Vehicles shall not be stacked and storage of materials shall not exceed a maximum height of twenty-five (25) feet.
4. Shipping Containers or similar items shall be located behind the front façade of any structure and at the rear of the building. A shipping container may be permitted along the side of a building, subject to the review and approval of the Director of the Department of Community Development.
 - a. The shipping container shall be completely screened from view with fencing not to exceed 10' in height.
- d. *Rural zone requirements.* In the rural (A-1) zones, outside storage of materials shall be subject to the following additional provisions:
 1. Outdoor storage shall be located to the rear of the principle structure and 100' from the any property line fronting onto a public roadway.
 2. Outside storage may include storage of vehicles and storage of materials. Vehicles shall not be stacked and storage of materials shall not exceed fence height standards for the district, when permitted.
- e. *Commercial zone requirements.* In the commercial zones, outside storage of materials shall be subject to the following additional provisions:
 1. Outdoor storage shall be located to the rear or side of the principle structure.
 2. A landscape buffer shall be provided surrounding all storage areas;
 3. Outside storage may include storage of vehicles and storage of materials. Vehicles shall not be stacked and storage of materials shall not exceed fence height standards for the district, when permitted.
 4. Shipping Containers or similar items shall be prohibited.