

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbgg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 4/15/16

Tuesday, April 19, 2016

3:00 p.m.

Council Chambers

Page 1 of 8

Sign Interpreter will be provided if requested 48 working hours in advance. Should an interpreter be needed, it is advised that the interested person contact the Clerk of Council at 278-4228. All accessible formats are available upon request.

- A. Meeting Called to Order and Roll Call
- B. Remind Public that no food or drink is allowed in the Council Chambers
- C. Remind Public of Cell Phone Ordinance **SBPC #815-02-08**
- D. Invocation by Jeff Duke with Covenant United Methodist Church
- E. Pledge of Allegiance by Councilmember McCloskey
- F. Recognize Elected Officials

APPROVAL OF MINUTES

- 1. Motion to approve the minutes from the April 5, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, April 16, 2016. (Council Chair)

RECOGNITION

- 2. Motion to recognize Lindi Senez to discuss the upcoming "Joggin for the Noggin" event. (Councilmember Lewis)
- 3. Motion to recognize Wayne Burgess to discuss AG Magic. (Councilmember Alcon)
- 4. **Guy McInnis**, President's Report
- 5. Councilmember's for a District Update

RECOGNIZE THE PUBLIC

- 6. Recognize the Public
(Those wishing to speak must sign in prior to the start of the meeting. Speakers will be given 2 minutes.)

PUBLIC HEARINGS

- 7. **Summary No. 3369**
Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

- 8. **Summary No. 3360**
Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

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9. **Summary No. 3361**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

10. **Summary No. 3362**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

11. **Summary No. 3363**

Planning Commission recommended **APPROVAL** with conditions on 3/29/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

12. **Summary No. 3364**

Planning Commission made **NO RECOMMENDATION** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

13. **Summary No. 3365**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

14. **Summary No. 3366**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES

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ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

15. **Summary No. 3367**

Introduced by: Administration on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

16. **Summary No. 3368**

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

RESOLUTIONS

17. Adopt **Resolution SBPC #1567-04-16**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

Beer and/or Liquor Permit(s)

1. RaceTrac Petroleum, Inc. dba RaceTrac #2350 2713 Paris Road, Chalmette, LA 70043 Manager: Belinda Anthony (**Renewal**) (**Beer & Liquor**)
2. RaceTrac Petroleum, Inc. dba RaceTrac #2368 8130 W. Judge Perez Drive, Chalmette, LA 70043 Manager: Crystal Stebbins (**Renewal**) (**Beer & Liquor**)
3. St. Bernard Parish Government - Frederick Sigur Civic Auditorium 8245 W. Judge Perez Drive, Chalmette, LA 70043 Manager: Maurine Liuzza (**Renewal**) (**Beer & Liquor**)
4. St. Bernard Parish Government - Recreation Department 1101 Magistrate Street, Chalmette, LA 70043 Director: Yolanda Banks Thomas (**Renewal**) (**Beer & Liquor**)
5. Today's Ketch Seafood, Inc., dba Today's Ketch Seafood 2110 E. Judge Perez Drive, Chalmette, LA 70043 Owners: Jeffrey & Teri Pohlmann(**Renewal**) (**Beer only**)

Special Event(s)

1. Name of Organization: 'SOAR': Strengthening Outcomes With Autism Resources
Address: 3809 Paris Road, Chalmette, LA 70043
Name of Event: **SOAR Crawfish Boil-off, Autism Fund Raiser**
Location: Desi's, 3809 Paris Road, Chalmette, LA 70043
Date & Time of Event: May 17, 2016; 11:00 a.m. – 7:00 p.m.
18. Adopt **Resolution SBPC #1568-04-16**, a Resolution Authorizing the Parish President to Execute an Agreement with the Louisiana Department of Transportation and Development for the St. Bernard Parish Mississippi River Trail – Phase I & II (State Project Number H.007546).

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Page 4 of 8

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(Administration)

19. Adopt **Resolution SBPC #1569-04-16**, a Resolution Authorizing Acceptance of a Grant Award Increase in the Amount of \$89,240.00 from the Louisiana Department of Transportation and Development's Transportation Alternatives Program for the Mississippi River Trail, Phase III.
(Administration)
20. Adopt **Resolution SBPC #1570-04-16**, a Resolution Authorizing Acceptance of a WalMart Foundation Community Giving Program Grant in the Amount of \$2,500.00 for Recreation Department Equipment.
(Administration)
21. Adopt **Resolution SBPC #1571-04-16**, a Resolution Authorizing St. Bernard Parish Government to Adopt the Community Development Block Grant Program Income Plan in Relation to Community Development Block Grant (CDBG) Disaster Recovery Funds and Projects.
(Administration)
22. Adopt **Resolution SBPC #1572-04-16**, a Resolution Adopting the St. Bernard Parish Complete Streets Policy.
(Administration)
23. Adopt **Resolution SBPC #1573-04-16**, a Resolution Authorizing A Grant Application to the University of New Orleans Research and Technology Foundation's EPA Lake Pontchartrain Basin Restoration Grant Program in the amount of \$36,000.00 for the St. Bernard Parish Green Infrastructure Program.
(Administration)
24. Adopt **Resolution SBPC #1574-04-16**, a resolution authorizing St. Bernard Parish to Prepare and Submit a Pre-Application to the Statewide Flood Control Program for Assistance for the Implementation of Drainage Improvements to St. Claude Heights, Carolyn Park, Buccaneer Villa North and Chalmette Plaza Subdivisions for the purpose of Reduction of Existing Flood Damages; and Reducing Risk from future flood event.
(Administration)
25. Adopt **Resolution SBPC #1575-04-16**, a resolution to amend Police Jury Resolution 1:0 N to amend the St. Bernard Parish Home Mortgage Authority trust agreement and bylaws contained therein to appoint two additional trustees and to create staggered trustee terms (Councilman Luna)
26. Adopt **Resolution SBPC #1576-04-16**, a resolution appointing new members to the Tourist Commission.
(Administration)
27. Adopt **Resolution SBPC #1577-04-16**, a resolution appointing new members to the Park and Parkways Commission.
(Administration)
28. Adopt **Resolution SBPC #1578-04-16**, a resolution appointing new members to the Coastal Zone Advisory Committee.
(Administration)
29. Adopt **Resolution SBPC #1579-04-16**, a resolution appointing new members to the Home Mortgage Authority.
(Administration)
30. Adopt **Resolution SBPC #1580-04-16**, a resolution appointing new members to the Planning Commission.
(Administration)

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Page 5 of 8

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31. Adopt **Resolution SBPC #1581-04-16**, a resolution supporting House Bill 1080 which authorizes certain parish governing authorities to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter. (Councilman Lewis)
32. Adopt **Resolution SBPC #1582-04-16**, a resolution supporting the keeping of St. Bernard State Park open to serve the residents of St. Bernard Parish and visitors to the parish. (Councilman Luna)

ADOPTION OF ORDINANCES

33. **Summary No. 3369**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

34. **Summary No. 3360**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

35. **Summary No. 3361**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

36. **Summary No. 3362**

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL

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Page 6 of 8

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COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

37. **Summary No. 3363**

Planning Commission recommended **APPROVAL** with conditions on 3/29/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

38. **Summary No. 3364**

Planning Commission made **NO RECOMMENDATION** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

39. **Summary No. 3365**

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

40. **Summary No. 3366**

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

41. **Summary No. 3367**

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

42. **Summary No. 3368**

Introduced by: Administration on 4/5/16

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Page 7 of 8

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Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

INTRODUCTION

43. **Summary No. 3370**

Introduced by: Administration on 4/19/16

AN ORDINANCE TO DECLARE AS SURPLUS A TEN FEET SECTION OF 8512 CREOLE DR. CHALMETTE, LA, WHICH IS OWNED BY THE PARISH, AND TO AUTHORIZE THE SALE OF SAID TEN FEET SECTION OF SAID PROPERTY ACCORDING TO LAW TO ELIZZA JANE SIMS.

44. **Summary No. 3371**

Introduced by: Administration on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

45. **Summary No. 3372**

Introduced by: Administration on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

46. **Summary No. 3373**

Introduced by: Councilman Montelongo on 4/19/16

AN ORDINANCE ABANDONING STREET RIGHT OF WAY FOR A CERTAIN PORTION OF MEMORY LANE IN EASTWOOD MANOR SUBDIVISION, ST. BERNARD PARISH, LOUISIANA.

OTHER MATTERS

47. Motion to discuss and take any action as it relates to information received from the Coastal Zone Advisory Committee.

EXECUTIVE SESSION

48. Motion to enter into Executive Session to discuss potential litigation, investigation, preparation, filing and handling of such injunctive, declaratory or other actions against any all possible parties, including oil and gas companies, necessary to ensure compliance with Coastal Zone Laws, Statutes and Regulations for St. Bernard Parish, the St. Bernard Parish Council and the St. Bernard Parish Coastal Zone Management Program.
49. Motion to enter into Executive Session to discuss potential litigation and potential settlement regarding unpaid invoices of Mike Munna, LLC for demolition/debris removal related invoices.

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50. Motion to enter into Executive Session to discuss potential litigation and potential settlement regarding unpaid invoices of St. Bernard Contractors, LLC for demolition/debris removal related invoices.
51. Motion to enter into Executive Session to discuss St. Bernard Parish Government vs. SE Properties Holdings, LLC , U.S. District Court, Eastern District of Louisiana no. 14-2060 and SE Property Holdings, LLC v. Unified Recovery Group, LLC et al U.S. Eastern District of Louisiana No. 14-1739.
52. Motion to enter into Executive Session to discuss potential litigation between St. Bernard Parish Government and Progressive Waste Solutions of LA, Inc.

Next Regular scheduled Council Meeting will be held Tuesday, May 3, 2016 @ 7:00 p.m.

Approved by: *Kerri Callais* Time: 2:43 p.m. Date: 4/15/16

#46

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **introduce** the following ordinance:

Summary No. 3373

Introduced by: Councilman Montelongo on 4/19/16

AN ORDINANCE ABANDONING STREET RIGHT OF WAY FOR A CERTAIN PORTION OF MEMORY LANE IN EASTWOOD MANOR SUBDIVISION, ST. BERNARD PARISH, LOUISIANA

WHEREAS, the right of way for Memory Lane Eastwood Manor Subdivision as described more particularly below is not needed nor required for public purpose.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That portion of Memory Lane, measuring 50 x 120 feet, as described herein and as further shown on the survey of Stephen V. Estopinal, P.E. dated January 10, 2002, attached hereto and made a part hereof, and has never been formally dedicated as a public street, be and the same is hereby declared to be abandoned as a street.

MEMORY LANE
RIGHT-OF-WAY ABANDONMENT
EASTWOOD MANOR SUBDIVISION
ST. BERNARD PARISH, LOUISIANA

That portion of land comprising of all of the right-of-way for Memory Lane, St. Bernard Parish, bounded on the north by Lot 8 Square 1, Eastwood Manor Subdivision, on the east by Francis Carrol Drive, on the south by Lot 1 Square 8, EASTWOOD Manor Subdivision, and on the west by the 35' Drainage Servitude and more particularly described as follows:

Commencing at the intersection of the southernmost right-of-way line of Pierce Parkway and the westernmost right-of-way line of Francis Carrol Drive; thence, in a southerly direction along the westernmost right-of-way line of Francis Carrol Drive, South 2 degrees 21 minutes 38 second West, a distance of 617.05' to the northernmost right-of-way line of Memory Lane to be revoked and the Point-of-Beginning; thence, continuing in a southerly direction along the westernmost right-of-way line of Francis Carrol Drive, South 2 degrees 21 minutes 38 seconds west, a distance of 50' to the northernmost boundary line of Lot 1

Page -2-
Extract #46 continued
April 19, 2016

Square 8, Eastwood Manor Subdivision; thence in a westerly direction along the northernmost boundary line of Lot 1 Square 8, Eastwood Manor, North 88 degrees 01 minutes 22 seconds West, a distance of 120.00' to a point on a 35' Drainage Servitude; thence, in a northerly direction along the 35' Drainage Servitude, North 2 degrees 21 minutes 38 second East, a distance of 50' to a point on the southernmost boundary line of Lot 8 Square 1, Eastwood Manor Subdivision; thence, in an easterly direction along the southernmost boundary line of Lot 8 Square 1, Eastwood Manor Subdivision, South 88 degrees 01 minutes 22 seconds East, a distance of 120.00' to the Point-of-Beginning.

SECTION II. The Governing Authority hereby reserves any rights it or any affiliate with St. Bernard Parish Government possess as to any mineral servitude, mineral right of way, mineral reservation or mineral easement located on the Memory Lane Right of Way.

SECTION III. Effective Date. This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. 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 Section 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION IV. 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.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -3-
Extract #46 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#45

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **introduce** the following ordinance:

Summary No. 3372

Introduced by: Administration on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

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.

Page -2-
Extract #45 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

St. Bernard Parish Government							
Summary No.3371							
Ordinance SBPC #XXXX-XX-XX							
Proposed 2016 Budget Amendment 4-19-2016							
G/L ACCOUNT CODE				ACCOUNT TITLE	GL TYPE	ENTRY AMOUNT	
<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	<u>LEDGER CODE</u>			<u>INCREASE</u>	<u>DECREASE</u>
061	6110	0000	430430	Wal Mart Grant	Revenue	\$ 2,500.00	
061	6110	0000	545468	Team Expense	Expenditure	\$ 2,500.00	
			391000	<i>Net Effect on Fund Balance</i>		\$0.00	\$0.00
<i>This Budget Amendment is to allow the addition of expenditures in the Recreation Department's budget funded by a grant from Wal Mart</i>							

#44

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **introduce** the following ordinance:

Summary No. 3371

Introduced by: Administration on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

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.

Page -2-
Extract #44 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#43

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **introduce** the following ordinance:

Summary No. 3370

Introduced by: Administration on 4/19/16

AN ORDINANCE TO DECLARE AS SURPLUS A TEN FEET SECTION OF 8512 CREOLE DR. CHALMETTE, LA, WHICH IS OWNED BY THE PARISH, AND TO AUTHORIZE THE SALE OF SAID TEN FEET SECTION OF SAID PROPERTY ACCORDING TO LAW TO ELIZZA JANE SIMS.

Language TBD...

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #30 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

EXHIBIT "A"

ID	BER	Address	City	Zip
1	72603	620 COUGAR DR	ARABI	70032

#42

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3368

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

WHEREAS the purpose of this ordinance is to encourage the subdivision of nonconforming lots into larger conforming lots utilizing former Louisiana Land Trust properties. The St. Bernard Parish Council finds that using former Louisiana Land Trust properties in this way will promote the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan.
- b. It will eliminate nonconforming lots.
- c. It will make St. Bernard Parish more attractive for former residents to return and for new residents to locate in the parish.
- d. It will aid in the prevention and elimination of slum and blight conditions by reducing the supply of developable land.
- e. It will reduce density in Special Flood Hazard Areas.
- f. It will promote the economic recovery of the parish.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to convey the former Louisiana Land Trust properties listed in Exhibit "A" to interested owners in accordance with the Lot Next Door II – Side Lot program established by this ordinance.

SECTION 2. The Parish President and the Chief Administrative Officer each is hereby authorized to execute all instruments necessary to effectuate the conveyances authorized by this ordinance, and are further authorized to execute any and all additional instruments necessary to implement the program, including instruments necessary to enforce the requirements of The Lot Next Door II program or to reacquire, claw back, or accept a reversion of any property on behalf of the St. Bernard Parish in the event that a purchaser under the program fails to comply with its requirements. It is recognized and agreed the Parish President and/or Chief Administrative Officer may nominate a designee by use of a power of attorney to transfer, sell, and auction, the properties in Exhibit "A" in accordance with the laws of Louisiana.

SECTION 3. The Lot Next Door II program shall be administered by the Community Development Department, which shall seek the cooperation of Louisiana Land Trust to assist the parish based on its experience with Lot Next Door I.

SECTION 4. The Lot Next Door II program shall observe the following minimum standards:

- I. Qualified Properties: Parcels of property eligible for inclusion in the St. Bernard Parish Government (SBPG) Side Lot Program (LND II) shall meet the following minimum criteria:
 1. The property shall be residentially zoned real property.
 2. The property shall be physically contiguous to adjacent property only.
 3. The final property shall consist of no more than one (1) lot capable of development.
 4. The property shall be conveyed to the transferees directly by SBPG.
 5. Transfers will be available to one (1) adjacent side lots on one (1) side of the transferee parcel and shall not create a combined parcel that exceeds one hundred eighty (180) linear foot of frontage.
 6. The resulting subdivision shall not create a through lot.
 7. The LND II Program is available only to those properties that did not participate in any previous LND Program.
- II. Transfer Of Property:
 1. First right of refusal shall be granted to domiciled homestead exempt properties for adjacent parcel owners as follows:

- a. In cases where two (2) side lot neighbors agree to purchase a middle lot that falls into public ownership, the neighbors shall purchase said property such that each neighbor receives half the property.
 - b. If one adjoining neighbor opts not to purchase half the property, the other adjoining neighbor shall have the option to purchase the whole lot ((not to exceed one hundred eighty (180) foot frontage)).
 - c. Any lot or parcel acquired through the LND II Program shall be re-subdivided or deed restricted as one (1) lot for the use of the adjacent owner/occupied residential property.
 - d. Upon sale through the LND II Program the purchaser shall be required to bring their house and the acquired lot into compliance with current housing, health, and safety codes within thirty (30) days of the transfer.
2. Second right of refusal shall be granted to non-domiciled adjacent property owners agreeing to owner occupancy of the re-subdivided or deed restricted contiguous property for a future permitted structure that meets minimum housing standards within two (2) years. The building permit shall be applied for and granted within one (1) year from closing.
 3. The transferee must not own any real property (including both the contiguous lot and other property in SBP) that is subject to any non-remediated citation of violation of the state and/or local codes, covenants and/or ordinances. Remediation of any violations must occur before the transferee will be eligible for a LND II parcel.
 4. The transferee must not own any real property (including both the contiguous lot and all other property in SBP) that is tax delinquent at the time of the LND II purchase.
 5. Properties shall be conveyed at fair market value, as determined in accordance with the Community Development Block Grant program requirements and Action Plan Amendments.
- III. Deed Restrictions: Permanent deed restrictions will be placed on the lot to be acquired which will prohibit its sale separate from the parcel next door and which will prevent the construction of a separate residence on the transferred lot in perpetuity.

1. A clear statement of the restrictions on lot use shall be provided in the initial letter of notification, the agreement to purchase document and at the act of sale.
2. Re-platting of half (1/2) lot purchases shall occur prior to transfer of title, with the costs of re-platting being an expense of the buyers.

SECTION 5. 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 6. 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.

SECTION 7. Other Ordinances and Codes Unaffected. Nothing herein shall be interpreted to repeal or otherwise diminish the powers of the Parish or its employees, officers, or agents under any other ordinance or code, including but not limited the Zoning Ordinance, the Building Code, and the Minimum Housing Code, all of which shall apply to Lot Next Door II properties in addition to the provisions of this ordinance.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -5-
Extract #42 continued
April 19, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government
Summary No. 3367
Ordinance SBPC #XXXX-XX-XX
Proposed 2016 Budget Amendment 4-5-2016

G/L ACCOUNT CODE				ACCOUNT TITLE		ENTRY AMOUNT	
<u>Fund</u>	<u>Cost Center</u>	<u>Project</u>	<u>Ledger Code</u>			<u>Increase</u>	<u>Decrease</u>
190	3495	8866	430540	Highway Planning & Construction	<i>Revenue</i>	\$ 4,031,827.00	
190	3495	8866	570493	CIP	<i>Expenditure</i>	\$ 4,031,827.00	
			391000	<i>Net Effect on Fund Balance</i>		<u>\$0.00</u>	<u>\$0.00</u>

This Budget Amendment is to recognize Federal Funding (CFDA #20.205 Highway Planning and Construction) and the associated expenditures.

#41

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3367

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

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.

Page -2-
Extract #41 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#40

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3366

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

WHEREAS, the purpose of this ordinance is to exempt the provisions of the Code of Ordinances for residential properties entered into the St. Bernard Parish Government Residential Elevation Project with regard to permissible off-street parking locations only. The St. Bernard Parish Council finds that the need to elevate repetitive loss structures outweighs any requirement of providing permissible off-street parking location(s) which may be forfeited as a result of such elevation. The St. Bernard Parish Council also finds the St. Bernard Parish Government Residential Elevation Project will promote or benefit the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan of elevating structures.
- b. It is funded through FEMA & the Governor's Office of Homeland Security and Emergency Preparedness utilizing federal Hazard Mitigation Funds allocated to St. Bernard Parish as a result of Hurricane Katrina.
- c. It will focus on existing slab on grade residential developments; thereby, reducing the amount of repetitive loss structures in St Bernard Parish.
- d. It will elevate residential structures to meet or exceed BFE/ABFE/DFIRM requirements in an effort to maintain compliance with FEMA flood maps.
- e. It will aid in the prevention and elimination of repetitive loss conditions to existing residential slab on grade developments.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to exempt any residential property entered in the St. Bernard Parish Government Residential Elevation Project from the provisions of the Code of Ordinances as it relates to the forfeiture of permissible off-street parking areas as a result of such elevation actions established by this ordinance.

SECTION 2. St. Bernard Parish Government Residential Elevation Project program shall be administered by the Department of Recovery – Office of Hazard Mitigation Grant Program (HMGP), which shall seek the cooperation of FEMA, the Governor's Office of Homeland Security and Emergency Preparedness and the property owners' representative of Hunt, Guillot and Associates (HGA).

SECTION 3. St. Bernard Parish Government Residential Elevation Project program shall observe the following minimum standards with regard to elimination of permissible off-street parking areas as a result of structural elevation:

1. The property shall be entered into the St. Bernard Parish Government Residential Elevation Project at the time of the elevation.
2. The property shall be of slab on grade construction.
3. The property may utilize existing conditions on the site for off-street parking areas such as a durable, impermeable, all-weather material driveway(s).
4. The property, property owner or any other party with interest in the property shall not attempt development of any new off-street parking area(s) on the site which does not meet the development standard requirements of the Code of Ordinances.
5. If an attached garage is elevated with the main residential structure, then the former attached garage shall be enclosed by the removal of any doorway associated with its former use as an automotive garage and replaced with materials comparable to the existing façade of the main residential structure.
6. If an attached garage is not elevated with the main residential structure, then the former attached garage may retain any doorway associated with a former use as an attached automotive garage to promote structural access or storage.
7. The property owner may be required to provide guard rails on elevated areas formally utilized as parking pads, with or without an attached carport structure, subject to the requirements of the International Building Code.
8. The property owner may locate automobiles associated with the affected property within approved areas of the adjacent streets (rights-of-way not including sidewalk areas), where permissible.
9. These site conditions shall run in perpetuity of the property with the existence affected elevated structure.

SECTION 4. 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 5. 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.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

EXHIBIT "A"
SUMMARY NO. 3365

CHAPTER 5 - BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS

ARTICLE IX. - STORMWATER
DIVISION 1. - GENERAL PROVISIONS

Sec. 5-191. - Title.

This article shall be known as the "Stormwater Ordinance of the St. Bernard Parish Government" and may be cited and referred to herein as "this article."

Sec. 5-192. - Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the parish and protect the environment within the parish, to the maximum extent practicable as required by federal and state law, through the regulation of certain activities and discharges that may impact stormwater discharges to the parish's storm drainage system. Among other things, this article regulates (a) illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system; (b) certain stormwater discharges in connection with construction activities; (c) certain land clearing activities that may impact stormwater discharges; and (d) post-construction erosion and sedimentation control. The objectives of this article are:

- (1) To maintain and improve the quality of surface water and groundwater within the parish;**
- (2) To prevent the discharge of contaminated stormwater runoff into the parish's municipal separate storm sewer system and natural waters affected by the parish;**
- (3) To prohibit illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system and natural waters affected by the parish;**
- (4) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the parish;**
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the parish;**
- (6) To enable the parish to comply with all federal and state laws and regulations applicable to stormwater discharges, including those requirements imposed upon the parish under its Louisiana Pollutant Discharge Elimination System Municipal Separate Sewer System discharge permit; and**
- (7) To establish the legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.**

Sec. 5-193. - Applicability.

This article shall apply to all water entering the MS4 generated on any lands within the parish unless explicitly exempted by the director of public work or his designee.

EXHIBIT "A"
SUMMARY NO. 3365

Sec. 5-194. - Administration.

Except as otherwise provided herein, the public works director or his designee shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the public works director may be delegated in writing by the public works director to other parish personnel.

Secs. 5-195. - Reserved.

DIVISION 2. - ABBREVIATIONS AND DEFINITIONS

Sec. 5-196. - Abbreviations.

BMPs—Best management practices.

CFR—Code of Federal Regulations.

EPA—U.S. Environmental Protection Agency.

LDEQ—Louisiana Department of Environmental Quality.

LPDES—Louisiana Pollutant Discharge Elimination System.

OSP—Office of Safety and Permits

mg/l—Milligram per liter.

MS4—Municipal separate storm sewer system.

NPDES—National Pollutant Discharge Elimination System.

PPM—Parts per million.

PST—Petroleum storage tank.

SWPPP—Stormwater pollution prevention plan.

Sec. 5-197. - Definitions.

Agricultural stormwater runoff. Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2313 or discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2313.

Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

EXHIBIT "A"
SUMMARY NO. 3365

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction activity. Activities subject to an LPDES permit for construction activities. Currently LPDES permits for construction activities are required for construction projects resulting in land disturbance of one acre or more. Construction activities include, but are not limited to, clearing, grading, and excavating.

Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, or waters of the state of any substance which may be deleterious to the public health and/or quality of the water.

Discharge. Any addition or introduction of any pollutant, stormwater, wastewater, or any other substance whatsoever into the MS4 or into waters of the state.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of at least 70 percent of the site.

Fire protection water. Any water, and any substance or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, serving, and consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Harmful quantity. The amount of any substance that will cause pollution of waters of the state.

Hazardous household waste. Any material generated in a household by a consumer which, except for the exclusion provided in LAC 33:V.105.D.2.a, would be classified as a hazardous waste under LAC 33:V.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by LDEQ pursuant to LAC 33:V.

Illicit connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4, including, but not limited to, any conveyance that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether such drains or connections have been previously allowed, permitted, or approved.

EXHIBIT "A"
SUMMARY NO. 3365

Illicit discharge. Any discharge to the MS4 that is not composed entirely of stormwater, unless otherwise exempt.

Industrial waste. Solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process.

Land clearing permit. Permit to conduct clearing, grading, excavation, or other land disturbance activities without a building permit.

LPDES permit. A Louisiana Pollutant Discharge Elimination System permit issued by LDEQ that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis. As used herein, LPDES permit also includes any National Pollutant Discharge Elimination (NPDES) permit issued by EPA that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

Municipal landfill or landfill. An area of land or an excavation in which municipal solid waste is placed for permanent disposal and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural and manmade channels, and storm drains) that:

- (1) Is located within the parish;
- (2) Is owned or operated by the parish;
- (3) Is designed or used for collecting or conveying stormwater;
- (4) Discharges to waters of the state; and
- (5) Does not include any publicly owned treatment works, or lawful connections thereto, which in turn discharge to waters of the state.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, residential, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste, excluding industrial waste.

Nonpoint source. Any source of any discharge of a pollutant that is not a point source.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, lubricant, grease, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, have the day-to-day operational control over those activities at a facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility.

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity; or an employee or legal representative or agent thereof. This definition includes all federal, state, and local entities.

EXHIBIT "A"
SUMMARY NO. 3365

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a motor fuel, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain oil and/or petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable purpose.

Public works director. The person appointed by the parish president to the position of public works director.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the state.

Rubbish. Nonputrescible solid waste, excluding ashes, that consists of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard waste, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sanitary sewer or sewer. The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the parish sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or sanitary sewage. The domestic sewage and/or industrial waste that is discharged into the parish sanitary sewer system and passes through the sanitary sewer system to the parish sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

EXHIBIT "A"
SUMMARY NO. 3365

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, community, agricultural, and institutional operations and activities.

State. State of Louisiana.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in LAC 33:IX.2511.B.14; provided such discharge is not excluded from LDEQ's definition of stormwater discharge associated with industrial activity in LAC 33:IX.2511.B.14.

Stormwater pollution prevention plan (SWPPP). A plan required by an LPDES permit that describes and ensures the implementation of best management practices that are to be used to identify and eliminate or reduce the pollutants in stormwater discharges associated with construction or industrial activity at a facility.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil and that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the state. All groundwater and surface waters within the State of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. This includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the State of Louisiana otherwise defined as waters of the United States in 40 CFR 122.2, and tributaries of all such waters. Waters of the state does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et. seq.

Water quality standard. A definite numerical criterion value or general criterion statement or policy statement promulgated by LDEQ to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forest, and similar areas.

Yard waste. Vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

Secs. 5-198. - Reserved.

EXHIBIT "A"
SUMMARY NO. 3365

DIVISION 3. - REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Sec. 5-199. - Best management practices.

The public works director or his designee may adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state. The owner or operator of a commercial or industrial establishment within the parish shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge or that has an illicit connection may be required to implement, at such person's sole expense, additional structural and non-structural BMPs to properly address such illicit discharge and/or illicit connection. Any BMPs adopted by the public works director or his designee pursuant to this section shall be incorporated in any stormwater pollution prevention plan developed by a discharger within the parish in order to comply with the requirements of any applicable LPDES permit issued to such discharger.

Secs. 5-200. - Reserved.

DIVISION 4. - ILLICIT DISCHARGES AND CONNECTIONS

Sec. 5-201. - Illicit discharges—General.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of EPA or an LPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of LDEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, variance, or order and other applicable laws and regulations.**
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:**
- (1) A discharge authorized by, and in full compliance with, an LPDES permit issued to the discharger;**
 - (2) A discharge or flow resulting from fire fighting activities by the fire department;**
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;**
 - (4) Agricultural water runoff;**
 - (5) A discharge or flow from water line flushing or other potable water sources, but not including a discharge from water line disinfection by superchlorination or other means**

EXHIBIT "A"
SUMMARY NO. 3365

unless it contains no harmful quantities of chlorine (e.g., typically less than one PPM chlorine) or any other chemical used in the line disinfection;

- (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 - (7) A discharge or flow from a diverted stream flow or natural spring;
 - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20) to the MS4;
 - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain (not including groundwater dewatering systems);
 - (11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
 - (12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (13) A discharge or flow from individual residential car washing, non-commercial car washing, or limited fund-raising car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) A discharge or flow from swimming pools (if dechlorinated—typically less than one PPM chlorine);
 - (18) A discharge or flow from dye testing, provided verbal notification thereof is provided to the public works director or his designee prior to initiation of the dye testing; and
 - (19) A discharge or flow specified in writing by the public works director or his designee as being necessary to protect public health and safety.
- (c) No affirmative defense shall be available under subsection (b) if the discharge or flow in question has been determined by the public works director or his designee to be a source of a pollutant or pollutants to the waters of the state or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice. The correctness of the determination by the public works director or his designee that a discharge is a source of a pollutant or pollutants to the waters of the state or to the MS4 may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 5-202. - Illicit discharges—Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 5-201.

EXHIBIT "A"
SUMMARY NO. 3365

- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes, or contributes to causing, the parish to violate a water quality standard or the parish's LPDES permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce, or cause, allow, or permit to be introduced, any of the following substances into the MS4:
- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste, including grass clippings;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle or equipment, including a truck, bus, or heavy equipment, by a business or public entity;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
 - (10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
 - (11) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (12) Any fire protection water containing oil or hazardous substances or materials;
 - (13) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (14) Any contaminated runoff from a vehicle wrecking;
 - (15) Any substance or material that will damage, block, or clog the MS4;
 - (16) Any release from a PST, or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all state and federal standards and requirements;
 - b. No discharge containing harmful quantity of any pollutant; and
 - c. No discharge containing more than fifty parts per billion of benzene; five hundred parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen mg/l of total petroleum hydrocarbons (TPH);

EXHIBIT "A"
SUMMARY NO. 3365

- (17) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (18) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil or petroleum product or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed; and
- (19) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, land disturbance, or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

Sec. 5-203. - Illicit connections.

- (a) The construction, use, maintenance, and continued existence of illicit connections to the MS4 are prohibited. No person shall connect a line conveying sanitary sewage, domestic, commercial, or industrial wastewater to the MS4; nor shall any person use, maintain, or allow such a connection to continue.
- (b) Illicit connections include, but are not limited to floor drains and/or lines conveying wastewater from washing machines, sanitary sewers, commercial vehicle washing, and steam cleaning to the MS4.
- (c) The prohibitions provided in this section expressly include, without limitation, any illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time initially connected. A person is considered to be in violation of this article if the person connects to a previously existing illicit connection or allows such a connection to continue.

Secs. 5-204. - Reserved.

DIVISION 5. - STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Subdivision I. - General

Sec. 5-205. - General requirements.

Any person applying for a building permit from the OSP for a project involving the disturbance of one acre or more, or that is part of a development involving the disturbance of one acre or more, shall certify that (a) a site specific SWPPP has been developed for the site in accordance with OSP requirements and any land clearing, grading, excavation, or other land disturbance activities at the site shall be in accordance with such SWPPP, and (b) all state LPDES permit requirements related

EXHIBIT "A"
SUMMARY NO. 3365

to stormwater discharges associated with construction activities will be met. Refer to current specific LPDES permit for site applicability and other requirements.

- (1) All operators of construction sites one acre or above or part of a development that is over one acre shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the state, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, land disturbance, and other construction activities to the maximum extent practicable. Such best management practices may include, but are not limited to, the following measures:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of sediments and pollutants from the site to the extent feasible;
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of sediments and other windblown waste from the site;
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the state;
 - e. Providing general good housekeeping measures to (i) prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming pollutant sources for stormwater discharges, (ii) prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and (iii) assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
 - f. Implementation of proper waste disposal and waste management techniques, including providing waste containers and covers for waste materials, minimizing ground contact with hazardous chemicals and trash, and providing appropriate sanitary facilities for site workers and visitors;
 - g. Timely maintenance of vegetation, erosion, and sediment control measures and other best management practices in good and effective operating condition; and
 - h. Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the

EXHIBIT "A"
SUMMARY NO. 3365

site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

- (2) Clearing, grading, excavation, and other land disturbance activities, except that is necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized. Final stabilization measures shall be initiated as soon as practical upon the completion of construction activities.
- (3) A copy of the SWPPP shall be provided to the OSP upon request, and shall be available for review on the construction site at all times during construction. The SWPPP shall include:

 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, clearing, grading, excavation, utilities, and infrastructure installation, etc);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grading, excavation, and/or other activities;
 - d. A description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges, as more fully described in subsection (1) above;
 - e. A description of interim and permanent stabilization practices for the site; and
 - f. A description of design requirements. (Clearing, grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site, to the satisfaction of the public works director or his designee.)
- (4) The construction phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Soil stockpiles must be stabilized or covered during times of inactivity or upon completion of construction activities.
- (5) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the applicable LPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.
- (6) The parish may require any plans and specifications that are prepared for the construction of site improvements to fully illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The parish may deny approval of any building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the

EXHIBIT "A"
SUMMARY NO. 3365

best management practices described in the plans or observed upon site inspection by the parish are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. The parish also may revoke any previously issued building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that any certification made pursuant to the initial paragraph of this section is false.

- (7) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this division.
- (8) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard or the parish's LPDES permit for discharges from the MS4.
- (9) Based on the results of the inspections required by subsection (5), the site plans and specifications, BMPs, and the SWPPP shall be revised as appropriate, but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one calendar day following the inspection. The SWPPP shall be retained on the premises of the construction site at all times and made available to the parish upon request. Upon inspection by the parish, the parish either shall approve that portion of the work completed or shall notify the operator to the extent that the work fails to comply with the SWPPP.
- (10) Upon final stabilization of the construction site, the owner, or the owner's duly authorized representative, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 5-206. - Site applicability.

Persons engaging in construction activities, including clearing, grading, excavation, and other land disturbance activities, that result in the disturbance of one acre or more, or that are part of a development involving the disturbance of one acre or more, shall comply with the requirements of this division.

Secs. 5-207. - Reserved.

Subdivision II. - Post-Construction Erosion and Sedimentation Control

Sec. 5-208. - Post-construction erosion and sedimentation control.

Owners and operators, including developers and property owners, shall use and maintain appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum so

EXHIBIT "A"
SUMMARY NO. 3365

that soil and other pollutants are not discharged to the MS4 or waters of the state nor onto an adjoining property or right-of-way. For example, vegetation, erosion, and sediment control measures, including the following installed structural measures, if any, should be used and maintained: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices.

Secs. 5-209. - Reserved.

DIVISION 6. - COMPLIANCE MONITORING

Sec. 5-210. - Right of entry: Inspection and sampling.

The parish shall have the right to enter the premises of any person discharging stormwater, wastewater, or any pollutant to the MS4 or to waters of the state within the parish to determine if the discharger is complying with all requirements of this article and with state or federal discharge permits, limitations, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of observation, inspection, sampling, monitoring, testing, surveying, examination and copying of records, and for the performance of any applicable additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit. No person shall obstruct, hamper, or interfere with any parish representative while carrying out his official duties.

- (1) Parish personnel shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards or other personnel so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing their responsibilities.
- (2) The parish shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary in the opinion of the authorized parish personnel to conduct sampling and/or monitoring of the discharger's operations and discharges.
- (3) The parish may require any discharger to the MS4 or waters of the state to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges and may specify the frequency and parameters of any such required monitoring.
- (4) The parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

EXHIBIT "A"
SUMMARY NO. 3365

- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this article.
- (7) If parish personnel have been refused access to any part of the premises from which stormwater, wastewater, or any pollutant is discharged, and parish personnel are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the public works director or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Secs. 5-211. - Reserved.

DIVISION 7. - PENALTIES AND ENFORCEMENT

Sec. 5-212. - Notice of noncompliance.

- (a) It is unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this article. The public works director or his designee shall deliver to the owner, operator, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this article, or any other violation of this article a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 5-214.
- (b) The notice of noncompliance shall identify the provision of this article that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the parish. The notice of noncompliance shall identify a compliance date that must be met and may require without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall be terminated;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) Payment of a fine to cover administrative and remediation costs; and
 - (5) The implementation of source control or treatment BMPs.
- (c) The public works director or his designee shall designate the time within which any illicit connection shall be removed. In setting the time limit for compliance, the public works director or his designee shall take into consideration:

EXHIBIT "A"
SUMMARY NO. 3365

- (1) The quantity and complexity of the work;
 - (2) The consequence of delay;
 - (3) The potential harm to the environment, to public health, and to public and private property; and
 - (4) The cost of remedying the damage.
- (d) If violations are not corrected within the time period set by the public works director or his designee, the violator shall be reported to the OSP. The OSP shall then stop all necessary inspections required for a building permit and/or certificate of occupancy. OSP inspections shall not recommence until the public works director or his designee has approved all required changes, including installation and maintenance of BMPs and updates to the SWPPP, or determined that any other violation that was noted in the notice of noncompliance has been adequately addressed. Moreover, as necessary in order to properly address any violations of this article, the parish may, inter alia, terminate the building permit and/or certificate of occupancy for the relevant site; disconnect any illicit connections to the MS4; and/or discontinue water service to the relevant site.

Sec. 5-213. - Cease and desist orders.

The public works director or his designee may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 5-214. A cease and desist order may direct the owner, operator, contractor, representative, and/or other person responsible for the violation of this article to take any of the following actions:

- (1) Immediately discontinue any prohibited discharge to the parish's MS4.
- (2) Immediately discontinue any other violation of this article.
- (3) Clean up the area affected by the violation.
- (4) Immediately cease any activity which may lead to a violation of the parish's LPDES permit or applicable water quality standards.

Sec. 5-214. - Delivery of notice.

Any notice of noncompliance, cease and desist order, or penalty assessment pursuant to the requirements of this article shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 5-216.
- (2) The notice shall state that the recipient may be liable for all costs incurred by the parish in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or delivery to the recipient by the United State Postal Service, via certified mail, return receipt requested, postage prepaid.

Sec. 5-215. - Penalties.

Any person violating any provision of this article may be punished by a fine imposed by the public works director according to the following schedule:

EXHIBIT "A"
SUMMARY NO. 3365

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

Every day any violation continues shall constitute a separate violation for purposes of this article. Unpaid fines shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the violator's property may be sought for unpaid fines that are final and no longer subject to review or revision. Fines shall be payable to St. Bernard Parish Government, Attention: Director, Department of Public Works, Chalmette, Louisiana 70043.

Sec. 5-216. - Administrative appeals.

(a) Administrative appeals. A party who has been issued a notice of noncompliance, a cease and desist order, or fine may administratively appeal the same by filing a written petition with the public works director within 15 days of receipt of the notice of noncompliance, cease and desist order, or fine. The petition shall be filed by hand delivery or by mail directed to: Public Works Director, 1125 East St. Bernard Highway, Chalmette, Louisiana 70043. The following information, at a minimum, shall be contained in the petition:

- (1) The name, address, telephone number, and signature of the party filing the appeal, and the name of the owner and operator of the facility if the appeal is being filed by an interested party other than the owner and operator of the facility.
- (2) The name, address, and telephone number of the regulated facility and a facility contact person if different from the party filing the appeal.
- (3) A description of the matter being appealed.
- (4) An indication of the appellant's status as an interested party.
- (5) A statement giving specific reasons why the appellant believes the decision of the public works director or his designee in issuing the notice of noncompliance or the cease and desist order or in imposing the fine is incorrect or does not comply with this article.
- (6) New or different documents, drawings, plans, or other material the appellant believes supports appellant's position.

(b) Hearing. The public works director or his designee shall (a) issue notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, and (b) conduct the hearing and take evidence. If the public works director' designee conducts the hearing, such designee shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the public works director for action thereon. At any hearing held pursuant to this section, testimony must be under oath. Hearing testimony shall be recorded stenographically if the party who has filed the appeal pays the costs of the same; otherwise, there shall be no recorded transcript of the proceedings. After the public works director has reviewed the evidence, he may issue an order to the person who received the notice of noncompliance or cease and desist order or fine regarding the matter appealed; such order may affirm, modify, or rescind the original notice of noncompliance, cease and desist order, or

EXHIBIT "A"
SUMMARY NO. 3365

assessment. Decisions of the public works director following any administrative hearing shall be final, shall be in writing, and shall be based on the full and complete written administrative record compiled by the department of public works with opportunity for input from the party requesting the appeal.

Sec. 5-217. - Judicial review.

A party aggrieved by any notice of noncompliance, cease and desist order, or fine issued or imposed by the public works director or his designee shall have the right of judicial review. Proceedings for judicial review must be instituted by filing a petition in the 34th Judicial District Court in and for the Parish of St. Bernard, Louisiana, within 30 days after receipt of notice of the notice of noncompliance, cease and desist order, or fine from the public works director or his designee or, if an administrative hearing is requested, within 30 days after receipt of the decision rendered by the public works director following such administrative hearing.

Sec. 5-218. - Compromise/mitigation of fines.

The public works director may at any time compromise and/or mitigate the amount of fines assessed for a violation of this article based upon an affirmative good faith showing by the violator that one or more of the following mitigating factors is applicable:

- (1) There were no significant previous violations and the facility has historically been in compliance.
- (2) The cause of the violation was due to an act of God, war, or third parties not associated with the facility.
- (3) The nature and gravity of the violation was not significant.
- (4) There have been good faith efforts by the violator to prevent future violations.
- (5) Payment of the full fine amount will create a real and verifiable danger of rendering the facility incapable of future operation.
- (6) There are other pertinent factors which, in the opinion of the public works director, are probative of the fact that the violation did not endanger the public safety, health, or welfare and did not jeopardize the integrity of the MS4.

Sec. 5-219. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties otherwise provided in this article, any condition caused or permitted to exist in violation of any of the provisions of this article may be a threat to public health, safety, and welfare. In which event, the public works director may declare such violation a public nuisance and may thereafter summarily correct such violation and abate or restore the affected property at the violator's expense. The public works director may also seek injunctive relief under section 5-220 to abate, enjoin, or otherwise compel the cessation of such public nuisance.

Sec. 5-220. - Injunctive relief.

If a person has violated or continues to violate the provisions of this article, the public works director or his designee may petition for a temporary restraining order and/or a preliminary and/or permanent injunction restraining the person from activities that would create further violations

EXHIBIT "A"
SUMMARY NO. 3365

and/or compelling the person to comply with this article and/or perform abatement or remediation of the violation.

Sec. 5-221. - Remedies not exclusive.

The remedies set forth in this article are not exclusive of any other remedies available under any applicable federal, state, or local law; and the parish may pursue such individual or cumulative remedies as it deems appropriate to address violations of this article.

Secs. 5-222. - Reserved.

DIVISION 8. - CITIZEN PARTICIPATION

Sec. 5-223. - Citizen reports of violations.

- (a) All citizens are encouraged to report to the parish any spills, releases, illicit discharges, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the state, and any other violation of this article of which they become aware.
- (b) All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three years. When necessary, complaints will be referred to the other appropriate local, state, or federal agencies.

#39

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3365

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends CHAPTER 5 "BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES" to create "ARTICLE IX; STORMWATER" to amend 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.

Page -2-
Extract #39 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-009

Owner/Representative: Mr. Sterling J. Cardon

Property Address: 2200 Trio Street, Chalmette, LA 70043

Property Location: A certain piece of portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Current Site Area: 9,350 sq. ft. or 0.215 acres

Present Use: Single-family residential

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) Zone District

Proposed Zoning: R-3 (Multi-Family Residential) Zone District

Reason For Request: A zoning change to allow the conversion of the existing garage into a two-family residential structure.

I. Executive Summary:

Zoning Docket Z-2016-009 is a request for a zoning change from an R-1 (Single-Family Residential) zone district to an R-3 (Multi-Family Residential) zone district. The site is located at the corner of Trio Street and Calvo Street in Chalmette. The lots have a total area of 9,350 sq. ft. or 0.215 acres. The applicant is requesting for the zoning change to allow the conversion of the existing garage to a two-family residential building in addition to the existing attached primary single-family residence also located on the lot.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the lot size does not accommodate the intended density of Medium Density Commercial (12 units per acre or 1 unit per 3,630 sq. ft.). The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2016)

Image #2: Street View (Trio Street) of Subject Property



Source: Staff Photograph (03/09/2016)

Image #3: Street View of Subject Property



Source: Staff Photograph (03/09/2016)

Image #4: Street View (Calvo Street) of Subject Property



Source: Staff Photograph 03/09/2016)

B. Site Description

The subject site consists of two (2) lots of record located at the corner of Trio Street and Calvo Street in Chalmette. The subject property approximately has a total area of 9,350 sq. ft. or 0.215 acres. The primary single-family residence fronts Trio Street while the attached two-story garage fronts along Calvo Street with a large vacant rear yard forming the corner of Calvo Street and Culotta Street.

The following are current conditions relevant to this case:

- The existing meter pan located on the primary residence indicates three separate meters were once used, whereas only one meter is in place currently.
- Three existing parking spaces are provided; six spaces are required for three units. There is potential for three additional parking spaces to be located in the interior side yard off of Trio Street.
- The property currently has outstanding fines totaling \$2,650 with the Bureau of Administrative Adjudication (BAA).
- A cease and desist order was served to the applicant on 03/17/16 for the unpermitted work taking place at the property.

- The following deed restriction is associated with this property:

THIS PROPERTY IS SOLD AND CONVEYED SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

Any buildings to be constructed on said lot shall be set back not less than ten (10) feet from the front property line.

No residence or main building shall be erected on said lot to cost less than \$5,000.00.

Only one residence or building, except necessary and proper outbuildings and garages, shall be constructed on any lot in this subdivision.

Garages when detached from residence or main building shall be built in rear of lot, no trailer, tent, shack or barn shall be used on any residential site as a temporary or permanent residence.

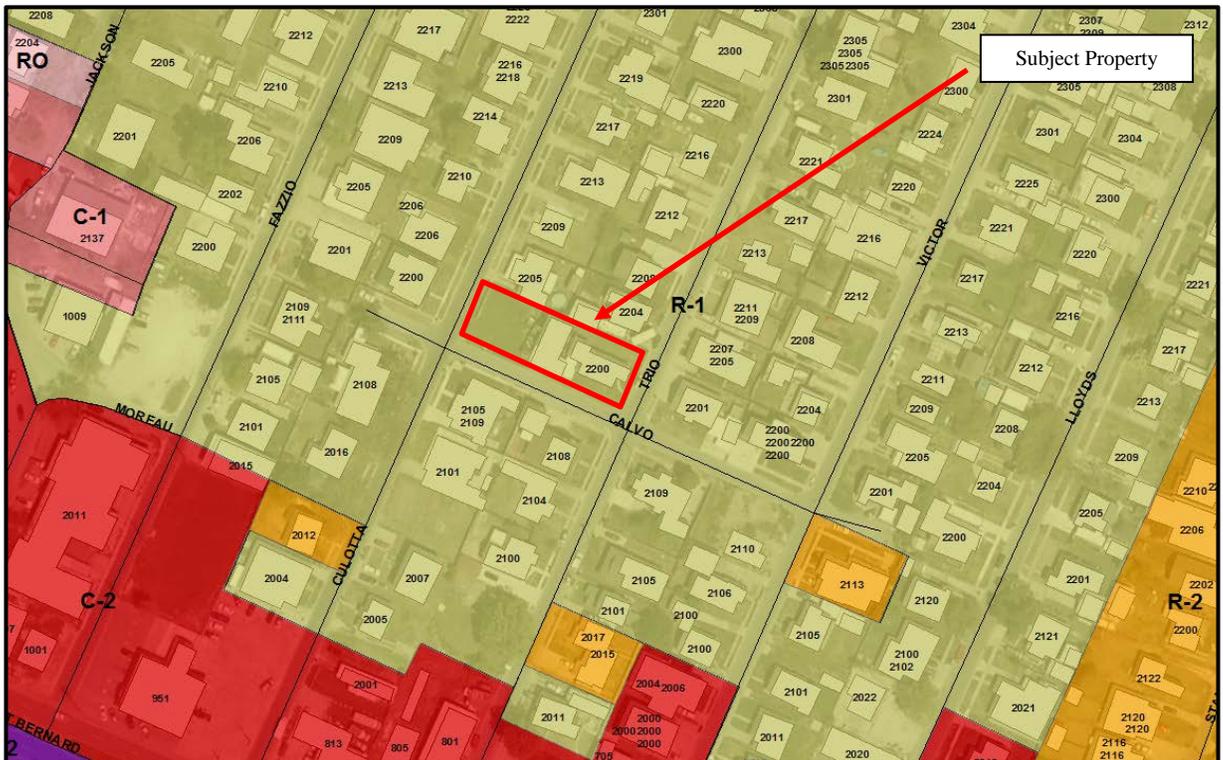
Unless public sewerage is provided, all sewerage shall be disposed of in septic tanks of a standard design, according to regulations of the Parish and or State Board of Health.

PARCEL #: 22J-029.00-003.00

C. Surrounding Land Uses and Zoning

As shown in Image #4 below, the subject property is located within an R-1 (Single-Family Residential) zone district. The surrounding area is developed with single-family residential structures in all directions in an overall suburban setting.

Image #5: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to an R-1 (Single-Family Residential) zone district in order to allow the conversion of the existing garage to a two-family residential building in addition to the existing primary single-family residence also located on the lot.

The intent of the R-1 (Single-Family Residential) zone district is to allow low density residential residence found traditionally in suburban neighborhood settings.

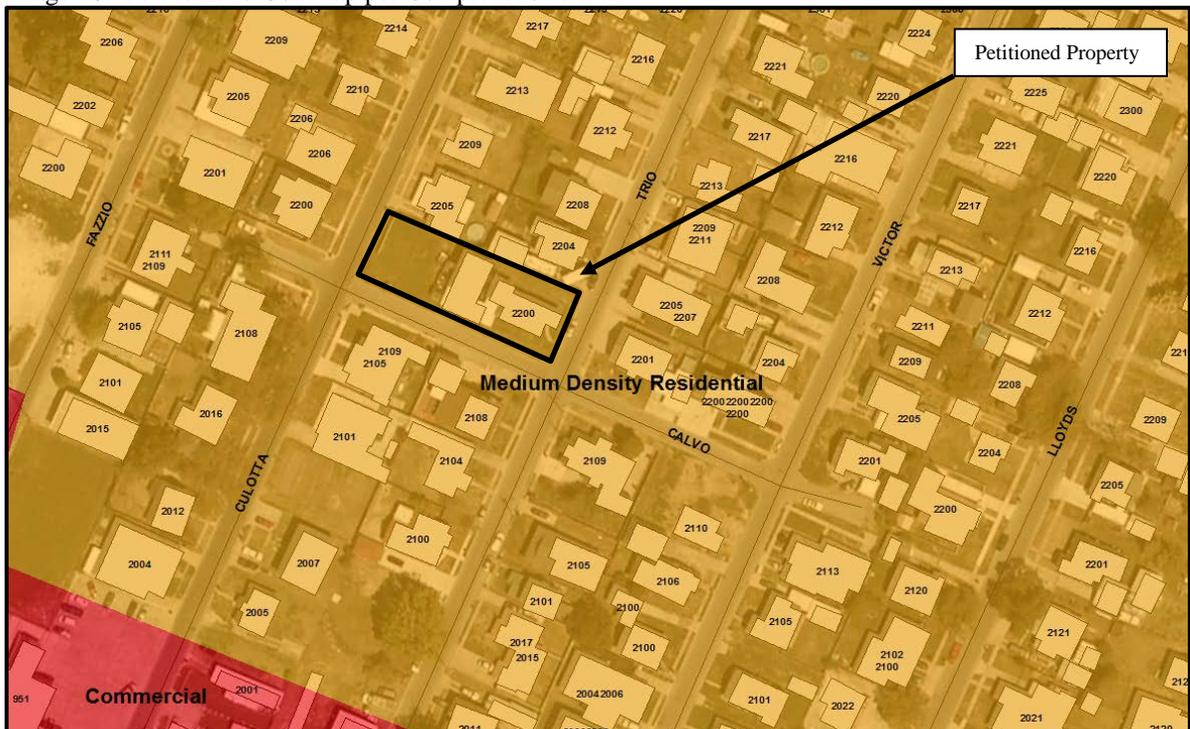
The staff believes that allowing a zoning change to R-3 (Multi-family Residential) zone district at the requested property to allow an additional two residential units will have a moderate impact of adjacent land uses in excess of existing conditions currently experienced in this neighborhood.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a subject property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting for the zoning change from R-1 (Single-Family Residential) to R-3 (Multi-family Residential) located completely within a predominate R-1 zone district.

III. Comprehensive Plan:

Image #6: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Commercial. The proposed rezoning is **inconsistent** with this designation due to the request's lot size versus proposed density. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-family Residential) zone district to R-3 (Multi-family Residential) zone district. Specifically listed, the proposed zoning change to allow a residential triplex aligns with the Land Use description for the Medium Density Residential designation, however, the existing lot size does not accommodate the proposed density requested under the Density description (12 units/acre or 1 unit per 3,630 sq. ft.) so therefore the zoning change would be **inconsistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-009 is a request for a zoning change from an R-1 (Single-Family Residential) zone district to an R-3 (Multi-Family Residential) zone district. The site is located at the corner of Trio Street and Calvo Street in Chalmette. The lots have a total area of 9,350 sq. ft. or 0.215 acres. The applicant is requesting for the zoning change to allow the conversion of the existing garage to a two-family residential building in addition to the existing attached primary single-family residence also located on the lot.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the lot size does not accommodate the intended density of Medium Density Commercial (12 units per acre or 1 unit per 3,630 sq. ft.). The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-009, a request for a zoning change from R-1 (Single-family Residential) zone district to R-3 (Multi-family Residential) zone district.

VI. Reason for Recommendation:

1. The proposed zoning change does not align with the Density description for the Medium Density Residential designation of Comprehensive Plan and would be considered a spot zone.

#38

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3364

Planning Commission made **NO RECOMMENDATION** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-009**, Petition Sterling J. Cardon, Jr. for a Zoning Change from "R-1 (Single Family Residential) to "R-2 (Two-Family Residential) zoning district" with the condition to allow the third apartment to be rented for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Property Location: 2200 Trio Street, Chalmette, LA 70043.

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.

Page -2-
Extract #38 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043*

Office: 278-4310 Fax: 278-4298



TO: ST. BERNARD PARISH PLANNING COMMISSION

FROM: DALE W. THAYER, ASSISTANT DIRECTOR

DATE : MARCH 30, 2016

CONDITIONAL USE REPORT - FINAL

Case Number: Z-2016-008

Owner/Representative: Chalmette Refinery, LLC

Property Address: 520 E. St. Bernard Hwy.

Property Location: Downriver side of Paris Road between St. Bernard Hwy. and the Mississippi River and on lease property B-3.

Current Site Area: 127.905 acres +/-

Present Use: Refining and Storage - Petroleum

Present Comprehensive Plan Designation: Industrial

Present Zoning: I-2 (Heavy Industrial)

Proposed Zoning: I-2 (Heavy Industrial) with Conditional Use

Reason For Request: A Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum.

I. Executive Summary:

Zoning Docket Z-2016-008 is a request for a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The subject site consists of several parcels bounded by Paris Road, St. Bernard Hwy., Mississippi River and Parcel B3. The entire site (Chalmette Refinery) consists of 127.905 acres +/- of land. Current operations at the petitioned property are defined as Refining and Storage – Petroleum in the Zoning Code.

The applicant proposes a 300' in diameter, 50' tall petroleum storage tank. The applicant states that the additional tank will not increase production at the site, rather allow for more operational flexibility. The tank will be sited approximately 300' from the front property line and 200' from any other storage structure in the East Tank Farm. The applicant states that all necessary infrastructure will be modified or constructed to accommodate for the proposed storage tank subject to local, State and Federal regulations.

The staff believes the proposed use would be compatible with the area. Despite the large scale of the proposed tank, it still fits within the even larger scale of the Chalmette Refinery site operations. However, the staff does recommend several conditions to mitigate the industrial appearance of the site. The staff also believes that due to its location in a historical Parish heavy industrial district, residential impact would be minimal as a result of the proposed use. The staff does however want a detailed study performed as to increased emission levels and effects on Parish Attainment status as a result of the expansion. Finally, the project is consistent with the St. Bernard Parish Comprehensive Plan.

The staff therefore recommends **APPROVAL** of the request and recommends standard conditions intended to address developmental and environmental standards.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date)

Image #2: Current Site Conditions (property fronting onto E. St. Bernard Hwy.)



Source: Staff Photograph

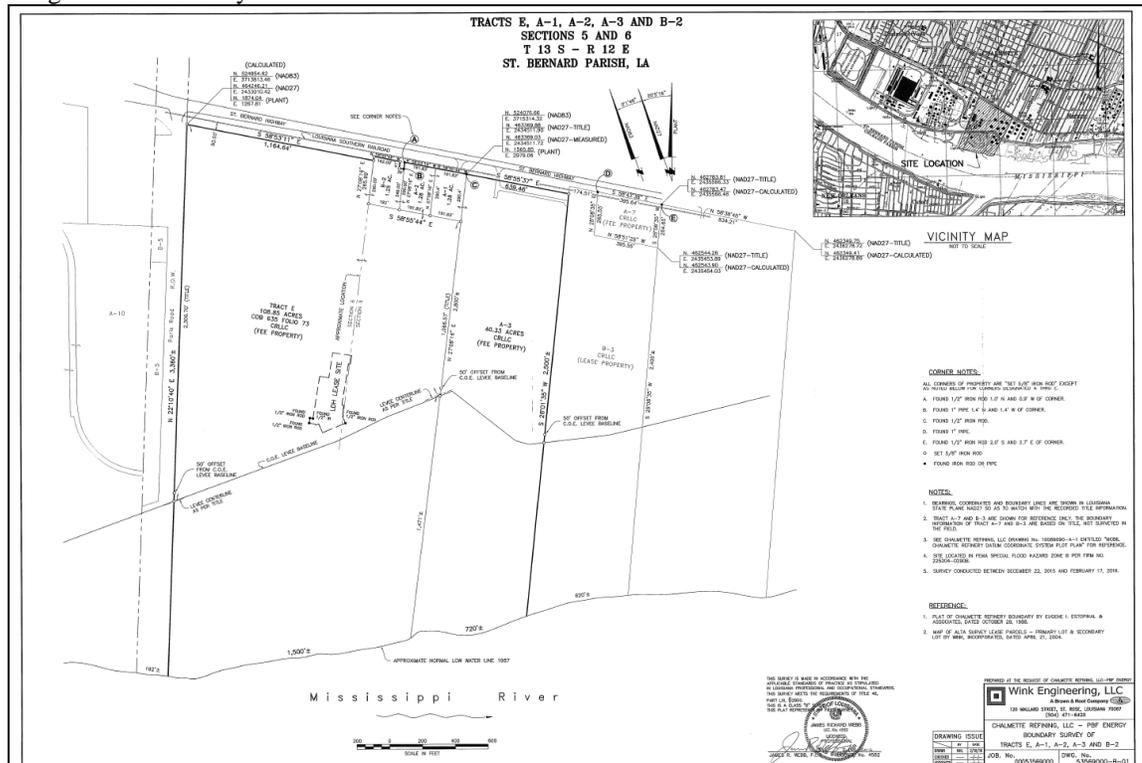
Image #3: Google Map – Street View (2011)



B. Site Description:

The subject site consists of parcels A1, A2, A3, B2 and Tract E of Section 5 and 6 of Township 13 South, Range 12 East of St. Bernard Parish, bounded by Paris Road, St. Bernard Hwy., Mississippi River and Parcel B3. The entire site (Chalmette Refinery) consists of 127.905 acres +/- of land. Current operations at the petitioned property is defined as Refining and Storage – Petroleum in the Zoning Code. The proposed expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum requires a Condition Use per Zoning Code.

Image #4: Site Survey



The applicant proposes a 300' in diameter, 50' tall, external floating roof, atmospheric storage tank with the capacity of approximately 554,000 BBL. The applicant states that the additional tank will not increase production at the site, rather allow for more operational flexibility. The tank will be sited approximately 300' from the front property line and 200' from any other storage structure in the East Tank Farm. The applicant states that the operations Fire Suppression and Tank Secondary Containment Systems will be modified or constructed to accommodate for the proposed storage tank subject to local, State and Federal regulations. Stormwater Management will also be factored into the project through a series of dike drain valves, catch basins, lift stations, stormwater ditches, gravity sewers, a retention pond and impound tanks. The applicant will intern modify the existing Air Permit to account for the East Tank Farm expansion. All stormwater management and air monitoring measures are subject to the site's Louisiana Department of Environmental Quality (LDEQ) Air and Drainage Permits.

The petitioned storage tank (TK-D0311) will be utilized for the temporary storage of petroleum products as a part of the refinery’s site operations. TK-D0311 will be positioned behind an existing stand of trees that flank the proposed area along the northern and western boundaries followed by a retention pond. TK-D0311 will accompany adjacent tanks 309 and 310 to form a 637,000 sq. ft. containment area.

C. Surrounding Land Uses and Zoning:

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

Land Use and Zoning:

The petitioned site fronts onto E. St Bernard Hwy and is a part of a larger tract of land utilized for Chalmette Refinery site operations. The site is zoned I-2 (Heavy Industrial) district for all areas between E. St Bernard Hwy and the Mississippi River. To the north, the petitioned site is adjacent to an existing Louisiana Southern Railroad spur, State rights-of-way then followed by E. St Bernard Hwy itself. The site’s perimeter is also improved by an approximate 10’ in height chain link security fence. Along the north side of E. St Bernard Hwy., the zoning districts of R-1 (Single-Family), C-1 (Neighborhood Commercial) and C-2 (General Commercial) define the land use.

D. Design Review of Site Plan:

The applicant's request and provided documents, shown in the appendix of this report, will be assessed under the following criteria:

1. Harmony with the area (*Section 22-8-2.1*):

This area of St. Bernard Parish is historically utilized for Heavy Industrial uses such as Petroleum Storage and Refining, Port Ship Services and other maritime based industries.

The existing Chalmette Refinery site operation is primarily adjacent to existing State Highways, the Mississippi River and similar heavy industrial developments. This area consists of several large tracts of land utilized for the production and/or storage of petroleum based products. Single-family residential dwellings and Commercial structures are located within the area, the northern side of E. St. Bernard Hwy. The staff believes that the petitioned project would not alter or be in conflict with the essential character of the area as the petitioned tank will be located within the existing East Tank Farm.

2. Adequate access (*Section 22-8-2.2*):

The petitioned property fronts onto E. St. Bernard Hwy., which is a major State roadway for this area of the parish. The purposed actions are not expected to generate significant traffic demands on either the adjacent roadways or river.

3. Adequate infrastructure (*Section 22-8-2.3*):

As shown above and within the attached letter from the applicant, the site will improve and/or construct facilities to accommodate the proposed TK-D0311. The staff believes adequate infrastructure is in or will be in place for this activity, subject to operational standards permitted by local, State and Federal agencies.

4. Natural resource conservation (*Section 22-8-2.4*):

The applicant proposes a new storage tank in an area of the site the staff best describes as an aggregate surfaced lay-down (storage) yard. No loss of undeveloped land, wetlands, vegetation (trees) or existing retention ponding area will occur as a result of proposed TK-D0311. However, St. Bernard Parish has a history of air quality issues resulting from heavy industry. Specifically, the concentration of one or more criteria pollutants exceeding the regulated or 'threshold' level for one or more of the National Ambient Air Quality Standards (NAAQS). When these thresholds are exceeded, the area may be classified as a nonattainment area. The issue of nonattainment for the Parish concerns the staff. If the project were to be approved, the staff recommends a detailed study showing the impact of projected emissions as a result of the proposed tank on both the existing site's LDEQ Air and Water Discharge Permits and the Attainment Status of the Parish as a whole.

5. Compatible design (*Section 22-8-2.5*):

As stated above, the staff believes the proposed tank is appropriate for this area as it will be located within an existing Tank Farm. The proposed area is also flanked by a stand of trees that will help screen the structure from public view. However, proposed TK-D0311 will still be a looming structure at 50' in height and 300' in diameter. If the project were to be approved, the staff recommends the following conditions to help mitigate the visual impact on adjacent, non-industrial areas:

- Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
- TK-D0311 shall be painted in the color of *sky blue* or equivalent.

6. Public health, safety and welfare (*Section 22-8-2.6*):

The staff has not received comment from other municipal, state or federal agencies with regard to public health, safety and welfare as it relates to the petitioned projects. However, as shown above, the staff recommends that the applicant amends and receives approval for the site's LDEQ Air and Water Discharge Permit as well as a detailed study on emissions related to the additional storage tank.

Subject to these requirements above, the staff does not anticipate public health, safety and welfare being significantly impacted as result of this project.

7. Residential impact (*Section 22-8-2.7*):

As stated above, area residents may be visually impacted by the size of the structure. Because of this, the staff has recommended several conditions to assist in mitigating the visual impact of the tank. The applicant also states the production at the site will not increase as a result of the additional storage area.

E. Comments from other agencies, departments or committees:

No comments were received at the time of this report.

F. Special Considerations:

All perceived impacts are addressed in the design review section of this report.

III. Comprehensive Plan:

The Land Use Map of the Comprehensive Plan designates this area as Industrial. The proposed Conditional Use is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Industrial

Land Use: Heavy Commercial (vehicle/equipment), light industrial, heavy industrial (by conditional use).

The applicant is requesting a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The Industrial designation permits uses generally associated heavy industrial by Conditional Use.

On page 57 of the Comprehensive Plan, the following is stated concerning industrial appearance:

“Industry is important to the parish for employment as well as a tax base. However, industrial properties are a significant contributor to the negative appearance of the parish. Not only are many industrial properties in poor condition (broken windows, unclean, prominent storage of derelict equipment, rusted security fencing) but they are also highly visible.

The decorative fencing installed at the Valero Refinery frontage on St. Bernard Highway is a good example of the potential for attractive screening. The recent Port Authority building is a good example of quality industrial architecture in the parish.”

The staff believes the visual impact mitigation conditions will help in reducing the negative appearance addressed in the Comprehensive Plan.

For these reasons, the staff believes the request is **consistent** within the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-008 is a request for a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The subject site consists of several parcels bounded by Paris Road, St. Bernard Hwy., Mississippi River and Parcel B3. The entire site (Chalmette Refinery) consists of 127.905 acres +/- of land. Current operations at the petitioned property are defined as Refining and Storage – Petroleum in the Zoning Code.

The applicant proposes a 300’ in diameter, 50’ tall petroleum storage tank. The applicant states that the additional tank will not increase production at the site, rather allow for more operational flexibility. The tank will be sited approximately 300’ from the front property line and 200’ from any other storage structure in the East Tank Farm. The applicant states that all necessary infrastructure will be modified or constructed to accommodate for the proposed storage tank subject to local, State

and Federal regulations.

The staff believes the proposed use would be compatible with the area. Despite the large scale of the proposed tank, it still fits within the even larger scale of the Chalmette Refinery site operations. However, the staff does recommend several conditions to mitigate the industrial appearance of the site. The staff also believes that due to its location in a historical Parish heavy industrial district, residential impact would be minimal as a result of the proposed use. The staff does however want a detailed study performed as to increased emission levels and effects on Parish Attainment status as a result of the expansion. Finally, the project is consistent with the St. Bernard Parish Comprehensive Plan.

The staff therefore recommends **approval** of the request and recommends standard conditions intended to address developmental and environmental standards.

V. **Staff Recommendation:**

The staff recommended **APPROVAL** of Zoning Docket Z-2016-008, to permit a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum.

On March 22, 2016 the Planning Commission **TABLED** the item in order to gain additional information regarding environmental management for the petitioned project. On March 29, 2016, a Special Planning Meeting was called and the Planning Commission recommended **APPROVAL** of Zoning Docket Z-2016-008, subject to the following five (5) conditions:

Conditions:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. 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 per Section 22-10-1.3(h) of the Zoning Code.
- ~~2. The applicant shall produce a detailed study showing the impact of projected emissions as a result of the proposed tank on both the existing site's LDEQ Air and Water Discharge Permits and the Attainment Status of the Parish.~~
2. Pile driving shall only occur between the hours of 7am and 7pm.
3. The applicant shall comply with all state and federal requirements including but not limited to the provisions of existing and/or permits for site operations.
4. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
5. TK-D0311 exterior shall be painted in the color of *sky blue* or equivalent.

VI. Reasons for Recommendation:

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended conditions and consist with Comprehensive Plan.

#37

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3363

Planning Commission recommended **APPROVAL** with conditions on 3/29/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-008**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

Parcels A1, A2, A3, B2 and Tract E of Section 5 and 6 of Township 13 South, Range 12 East of St. Bernard Parish, bounded by Paris Road, St. Bernard Highway, the Mississippi River and Parcel B3.

Property Location: 500 W. St. Bernard Highway, Chalmette, LA 70043.

The Planning Commission recommends APPROVAL with the following conditions:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. 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 per Section 22-10-1.3(h) of the Zoning Code.
2. The applicant shall comply with all state and federal requirements including, but not limited to, the provisions of existing and/or permits for site operations.
3. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.

4. TK-D0311 exterior shall be painted in the color of *sky blue* or equivalent.
5. Pile driving shall not occur outside of the hours of 7am-7pm.

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.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Page -3-
Extract #37 continued
April 19, 2016

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-007

Owner/Representative: Mr. Ralph Menesses

Property Address: 400 E. Solidelle Street, Chalmette, LA 70043

Property Location: A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Current Site Area: 5,900 sq. ft. or 0.136 acres

Present Use: Vacant

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-2 (Two-Family Residential) District

Proposed Zoning: C-2 (General Commercial) District

Reason For Request: A zoning change to serve as a buffer between an adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

I. Executive Summary:

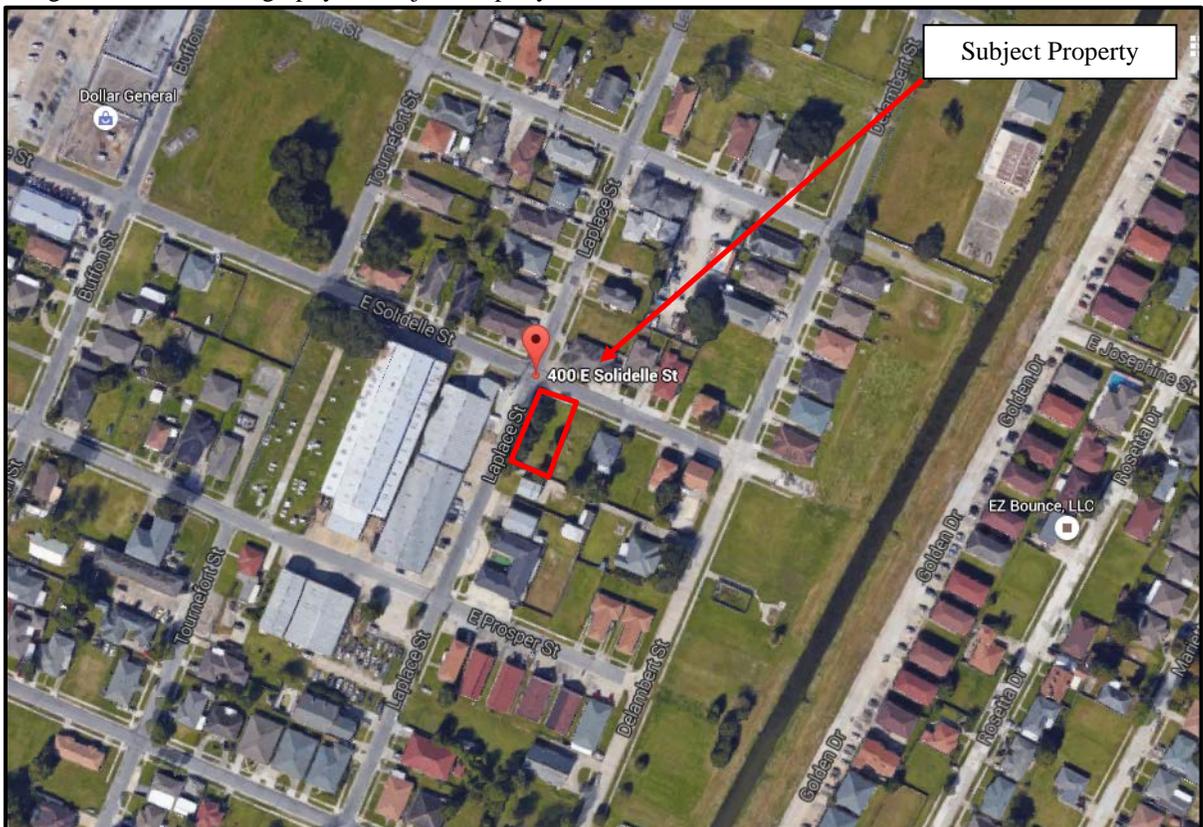
Zoning Docket Z-2016-007 is a request for a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district. The site is located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The lots have a total area of 5,900 sq. ft. or 0.136 acres. The applicant is requesting for the zoning change to serve as a buffer between the adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the proposed commercial nature does not align with the intent of this designation. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Subject Property



Source: Google Maps (Image Date 2016)

Image #2: Street View of Subject Property



Source: Staff Photograph (03/2016)

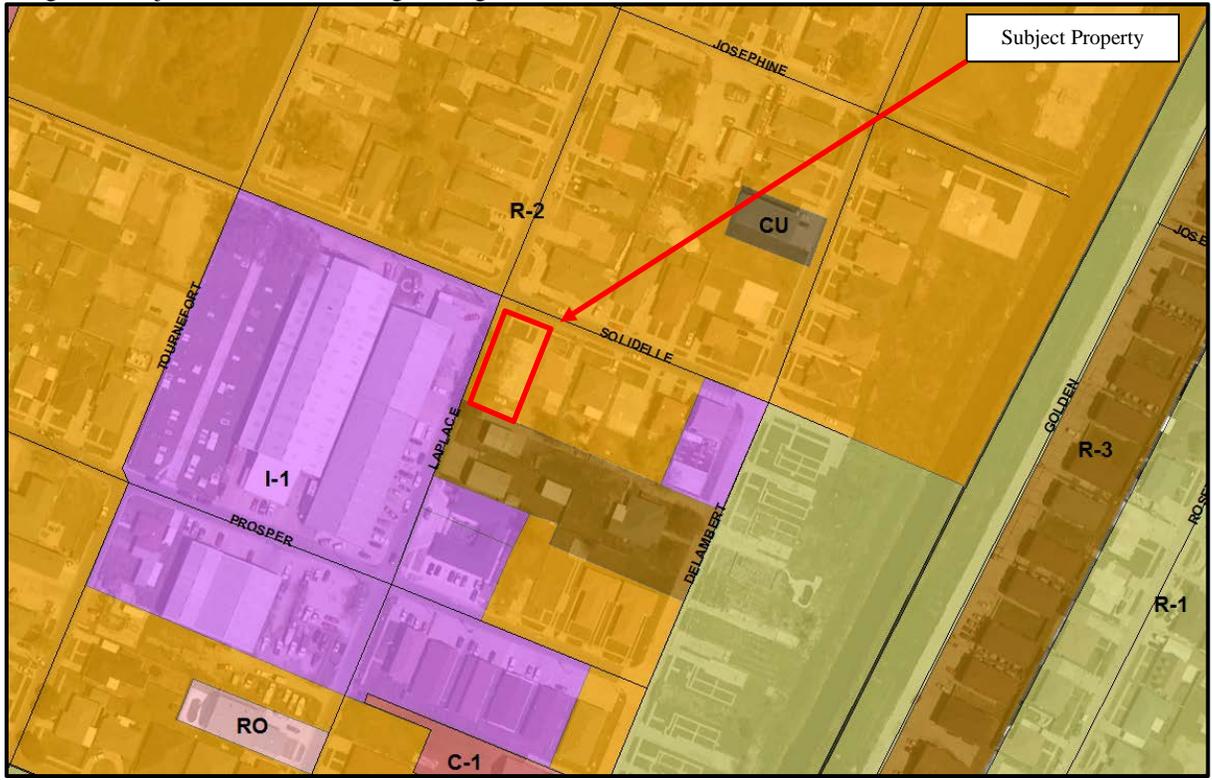
B. Site Description

The subject site consists of one (1) lot of record located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The subject property approximately has a total area of 5,900 sq. ft. or 0.136 acres. The lot is undeveloped.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the subject property is located in an R-2 (Two-Family Residential) zone district. Across the street (Laplace Street), an industrial marine repair business is operating, while a residential dwelling is located across E. Solidelle Street. An undeveloped lot is located immediately adjacent to the subject lot along E. Solidelle Street.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to a C-2 (General Commercial) zone district to serve as a buffer between an adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The intent of the R-2 (Two-Family Residential) zone district is to allow medium density residential dwellings found traditionally in suburban neighborhood settings.

The staff believes that allowing a zoning change to a C-2 (General Commercial) zone district at the requested property to allow those uses expressly allowed in the C-2 zone district will have a moderate impact of adjacent land uses in excess of overall existing conditions currently experienced in this neighborhood.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a subject property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district while located within an R-2 zone district. An I-1 (Light Industrial) zone district is located directly across the street (Laplace Street) along with an R-3 (Multi-Family Residential) zone district located to the rear of the lot along Laplace Street.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Commercial. The proposed rezoning is **inconsistent** with this designation as the proposed zone district does not align with the intent of the Medium Density Residential designation. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

IV. Summary:

Zoning Docket Z-2016-007 is a request for a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district. The site is located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The lots have a total area of 5,900 sq. ft. or 0.136 acres. The applicant is requesting for the zoning change to serve as a buffer between the adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the proposed commercial nature does not align with the intent of this designation. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-007, a request for a zoning change from R-2 (Two-Family Residential) zone district to C-2 (General Commercial) district.

VI. Reason for Recommendation:

1. The proposed zoning change does not align with the description for the Medium Density Residential designation of Comprehensive Plan and would be considered a spot zone.

#36

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3362

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-007**, Petition of Ralph Menesses for a Zoning Change from "R-2, (Two Family Residential)" to "C-2, (General Commercial)" zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Property Location: 400 E. Solidelle Street, Chalmette, LA 70043.

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.

Page -2-
Extract #36 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043*

Office: 278-4310 Fax: 278-4298



TO: ST. BERNARD PARISH PLANNING COMMISSION

FROM: ERIC TOLLE, RECOVERY PLANNER

DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-006

Owner/Representative: JTS Properties, LLC

Property Address: 1108/1110 Le Beau Street, Arabi, LA 70032

Property Location: The property is located on Lots 34 & 35, Friscoville Subdivision, Square 102

Current Site Area: 12,100 sq. ft. or 0.28 acres

Present Use: Multifamily structure (Lot 34); Undeveloped (Lot 35)

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) District

Proposed Zoning: R-2 (Two-Family Residential) District

Reason For Request: A zoning change to accommodate the existing multifamily structure (Lot 34) along with the abutting vacant lot (Lot 35) for a future two family residential development

I. Executive Summary:

Zoning Docket Z-2016-006 is a request for a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located just north of St. Claude Avenue on Le Beau Street in Arabi. The lots, when combined as a parcel, have total area of 12,100 sq. ft. or 0.28 acres. The applicant is requesting for the zoning change to conform with the existing multifamily structure and extend the same requested R-2 zoning to abutting vacant lot for future two family residential development.

The request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. However, staff recommends **APPROVAL** of the request due to the proposed zone district consistency with the Future Land Use Map of the Comprehensive Plan.

UPDATE: This case was heard at the January 26th, 2016 regular Planning Commission meeting as a rezone request to C-2 (General Commercial) from R-1 (Single-Family Residential) which was ultimately tabled by the Commission to give the applicant an opportunity to revise his request with staff.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2015)

Image #2: Street View of Petitioned Property



Source: Google Street View (05/2011)

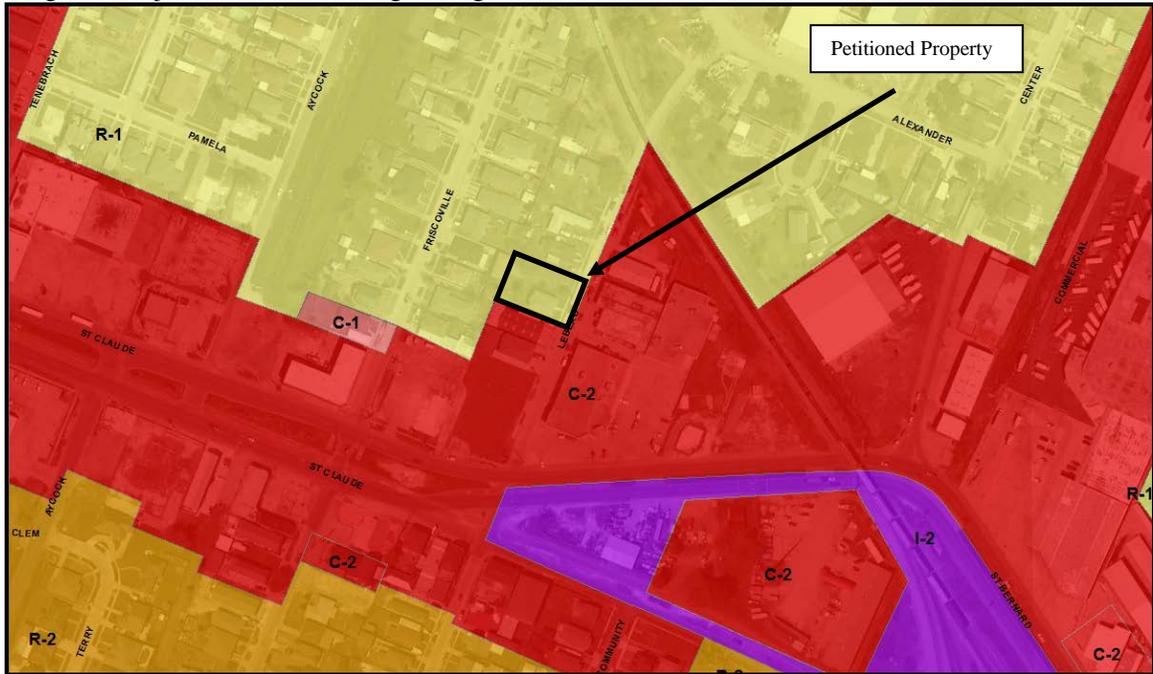
B. Site Description:

The subject site consists of two (2) lots of record (Lots 34 & 35) located just north of St. Claude Avenue on Le Beau Street in Arabi. Each of the two (2) individual lots measure approximately 50' in width by 121' in depth for a total area of 12,100 sq. ft. or 0.28 acres when combined as a parcel. As shown in Images #1 and #2 above, Lot 34 is currently developed with a two-story multifamily structure while adjacent Lot 35 remains undeveloped.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located within an R-1 (Single-Family Residential) district. The proposed lots abut a predominate C-2 (General Commercial) district that runs along the St. Claude Avenue corridor. The area is developed with active and inactive commercial structures in the C-2 (General Commercial) zone district and single family residential structures in the R-1 (Single-Family Residential) zone district.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to R-2 (Two-Family Residential) district in order to make the existing multifamily structure more conforming and allow further two family residential development on the vacant lot included in the zone change request. The petitioned property is immediately bounded by commercial and residential uses and zoning in all directions.

The intent of the R-2 (Two-Family Residential) district is to allow slightly higher density than normally permitted in single family residential districts.

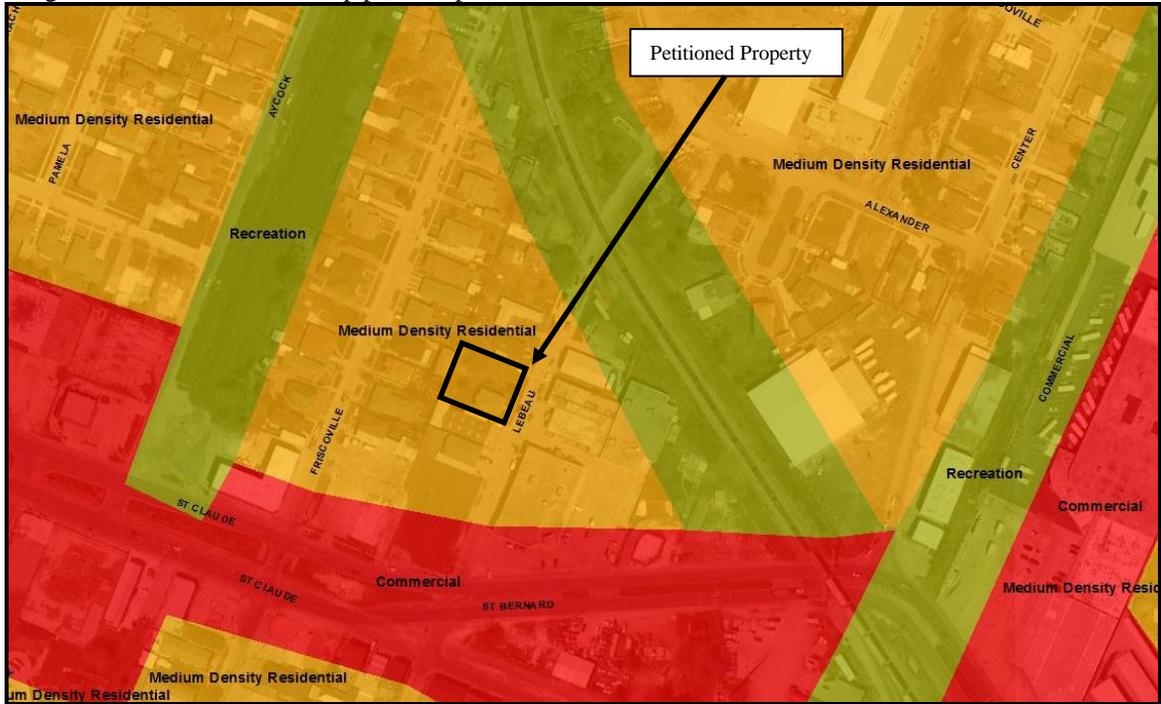
The staff believes that allowing a zoning change to R-2 at the petitioned property would not have a significant impact of adjacent land uses in excess of existing conditions currently experienced along St. Claude Avenue and that block of Le Beau Street due to the existing development and its proximity to the St. Claude Avenue commercial corridor.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a petitioned property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of two lots petitioning for the zoning change from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) to allow two family structure(s). The site abuts a major C-2 (General Commercial) zone district.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Residential. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

MEDIUM DENSITY RESIDENTIAL

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. Specifically listed, the proposed zoning change to incorporate the existing multi-family structure(s), and the future development plans to construct a two family residence on the abutting lot, would be included within the Land Use/Density description for the Medium Density Residential designation; therefore, the petitioned zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-006 is a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located on Le Beau Street just north of St. Claude Avenue in Arabi. The lots, when combined as a parcel, have total area of 12,100 sq. ft. or 0.28 acres. The applicant is petitioning for the zoning change to incorporate an existing multifamily structure and extend the same requested R-2 zoning to the abutting vacant lot for a future two family residential development.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. For this reason, the staff recommends **APPROVAL** of the request.

UPDATE: This case was heard at the January 26th, 2016 regular Planning Commission meeting as a rezone request to C-2 (General Commercial) from R-1 (Single-Family Residential) which was ultimately tabled by the Commission to give the applicant an opportunity to revise his request with staff.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

V. Staff Recommendation:

The staff recommends **APPROVAL** of Z-2016-006, a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district.

VI. Reason for Recommendation:

1. The proposed zoning change to allow the construction of a two family structure would be included within the Land Use/Density description for the Medium Density Commercial designation of Comprehensive Plan.

#35

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3361

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-006**, Petition of JTS Properties, LLC for a Zoning Change from "R-1, (Single Family Residential)" to "R-2, (Two-Family Residential)" zoning district for the following described property:

Two certain lots of ground situated in the Parish of St. Bernard, Friscoville Subdivision, Sq. 102, designated as lots 34 and 35.

Property Location: 1108 – 10 LeBeau St., Arabi, La 70032.

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.

Page -2-
Extract #35 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-005

Owner/Representative: Mr. Kevin Williams

Property Address: 7820 E. St. Bernard Highway, Violet, LA 70092

Property Location: The property is located on Lot 1 and portion of Lot 2 of Poydras Plantation, Square 5, Townsite B at the corner of Goodwill Drive and E. St. Bernard Highway.

Current Site Area: 13,129 sq. ft. or 0.30 acres

Present Use: Vacant

Present Comprehensive Plan Designation: Commercial

Present Zoning: C-1 (Neighborhood Commercial) District

Proposed Zoning: C-2 (General Commercial) District

Reason For Request: A zoning change to allow an automobile dealership

I. Executive Summary:

Zoning Docket Z-2016-005 is a request for a zoning change from a C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district. The site is located on E. St. Bernard Highway and Goodwill Drive in Violet. The lots have a total area of 13,129 sq. ft. or 0.30 acres. The applicant is requesting for the zoning change to allow automobile sales.

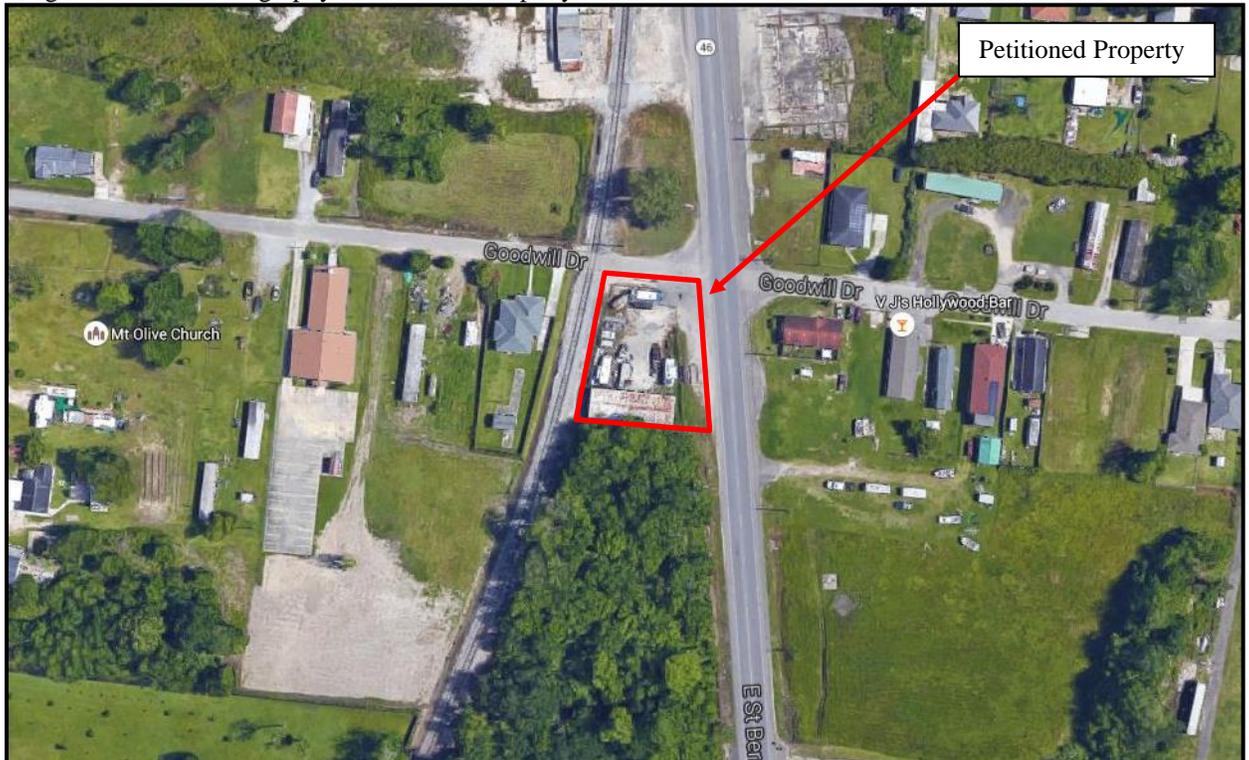
The request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. However, staff recommends **APPROVAL** of the request due to the proposed zone district consistency with the Future Land Use Map of the Comprehensive Plan.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2016)

Image #2: Street View of Petitioned Property



Source: Google Street View (10/2013)

B. Site Description:

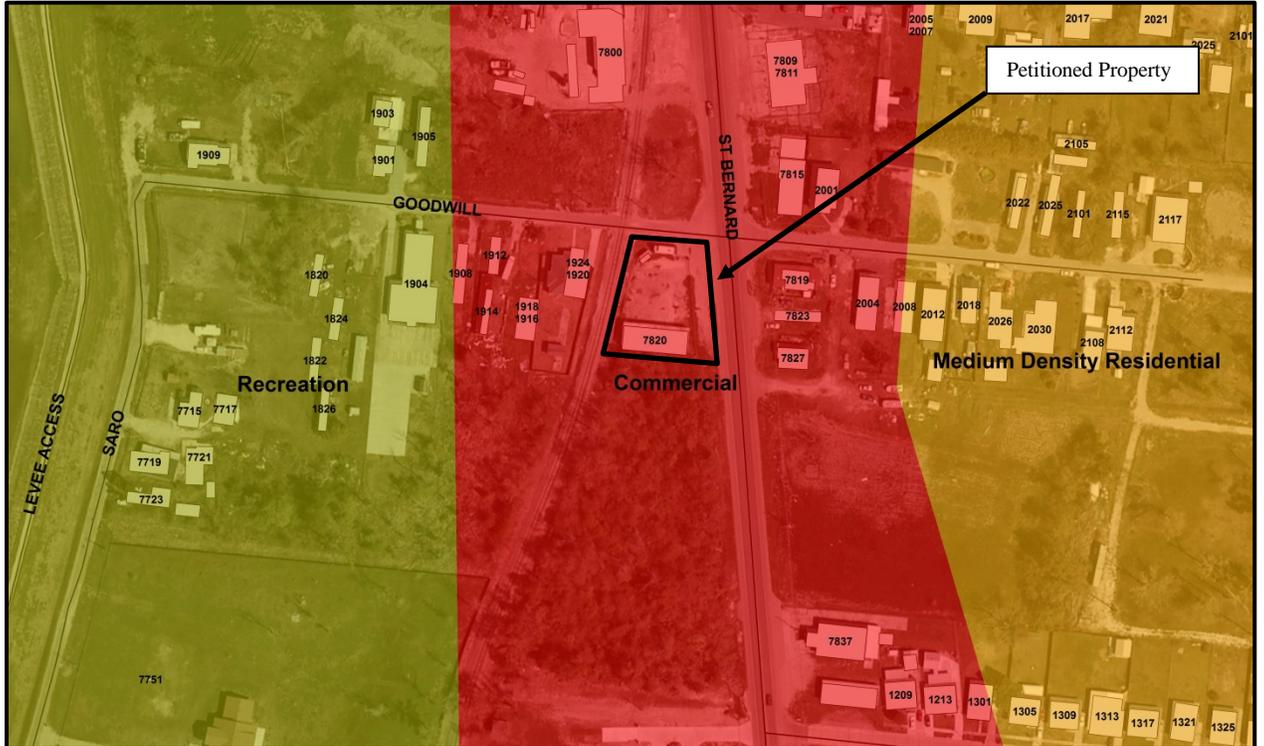
The subject site consists of two (2) lots of record located on E. St. Bernard Highway and Goodwill Drive in Violet. The subject property approximately has a total area of 13,129 sq. ft. or 0.30 acres when combined as a parcel.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located within a C-1 (Neighborhood Commercial) district. The surrounding area is developed with mostly active and inactive commercial structures running along E. St. Bernard Highway and residential structures along Goodwill Drive in an overall rural setting in a nearby R-1 (Single-Family Residential) zone district.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Commercial. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Commercial

Land Use: General commercial, retail, office, and multi-family residential

Density: 36 units/acre and 24-50 units/development

The applicant is requesting a zoning change from a C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district. Specifically listed, the proposed zoning change to allow automobile sales aligns with the Land Use/Density description for the Commercial designation; therefore, the requested zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-005 is a request for a zoning change from C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district. The site is located on E. St. Bernard Highway and Goodwill Drive in Violet. The property has total area of 13,129 sq. ft. or 0.30 acres. The applicant is petitioning for the zoning change to allow automobile sales.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan. For this reason, the staff recommends **APPROVAL** of the request.

V. Staff Recommendation:

The staff recommends **APPROVAL** of Z-2016-005, a request for a zoning change from C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district.

VI. Reason for Recommendation:

1. The proposed zoning change aligns with the Land Use/Density description for the Commercial designation of Comprehensive Plan.

Table 1: Differences Between C-1 (Neighborhood Commercial) and C-2 (General Commercial) Zoning Districts

Retail and Service Uses	C-1	C-2	Automotive Uses	C-1	C-2
Grocery stores (Under 18,000 sq. ft.)	CU	P	Car Wash		P
Funeral home, mortuaries, morgues		P	Motor Vehicle Service and Repair, Minor	CU	P
Parking lots	CU	P	Motor Vehicle Service and Repair, Major		CU
Truck stops (3)		CU	Truck Repair		CU
General Office Uses	C-1	C-2	Motor Vehicle Dealerships (new or used)		P
Office	P (1)(2)		Gas Station	CU	P
Hospitals		P	Parking Structure	CU	P
Urgent care clinics		CU	Vehicle Impound Lot		CU
General Industrial Uses	C-1	C-2	Vehicle Storage Lot		CU
Wholesale establishments		P	Vehicle Operations Facility		CU
Warehouse storage		P	Agriculture and Residential Uses	C-1	C-2
Contractor Storage Yard		CU	Convalescent and nursing homes		P
			Single-family dwelling	P	
			Other Uses	C-1	C-2
			Drive-in theaters		P
			Amusement places		P
			Child care centers (3)	P	
			Sound stage/movie studio		CU

(1) 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.

(2) Office – General Business & Professional and Business & Professional Office Buildings are permitted in both C-1 and C-2 zoning districts.

#34

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3360

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-005**, Petition of Kevin Williams for a Zoning Change from "C-1, (Neighborhood Commercial)" to "C-2, (General Commercial)" zoning district for the following described property:

One (1) certain parcel of land situated in the Parish of St. Bernard, Poydras Plantation, Square No. 5.

Property Location: 7820 E. St. Bernard Highway, Violet, LA 70092.

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.

Page -2-
Extract #34 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-004

Owner/Representative: Mr. Albert Alvarez

Property Address: 2108 Walkers Lane

Property Location: The property is located on Lots 22, 23, 24 of Walkers Lane Subdivision, Square 1, and Section 2

Current Site Area: 5,700 sq. ft. or 0.13 acres

Present Use: Single-Family Residence

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) District

Proposed Zoning: R-2 (Two-Family Residential) District

Reason For Request: A zoning change to allow the conversion of the existing single-family residence/daycare facility into a two family residence

I. Executive Summary:

Zoning Docket Z-2016-004 is a request for a zoning change from an R-1 (Single-Family Residential) district to an R-2 (Two-Family Residential) district. The site is located on Walkers Lane in Meraux. The lots have a total area of 5,700 sq. ft. or 0.13 acres. The applicant is requesting for the zoning change to allow the conversion of the existing single family residence into a two family residence. The property was previously approved for a Conditional Use Permit to operate a daycare which is no longer in operation.

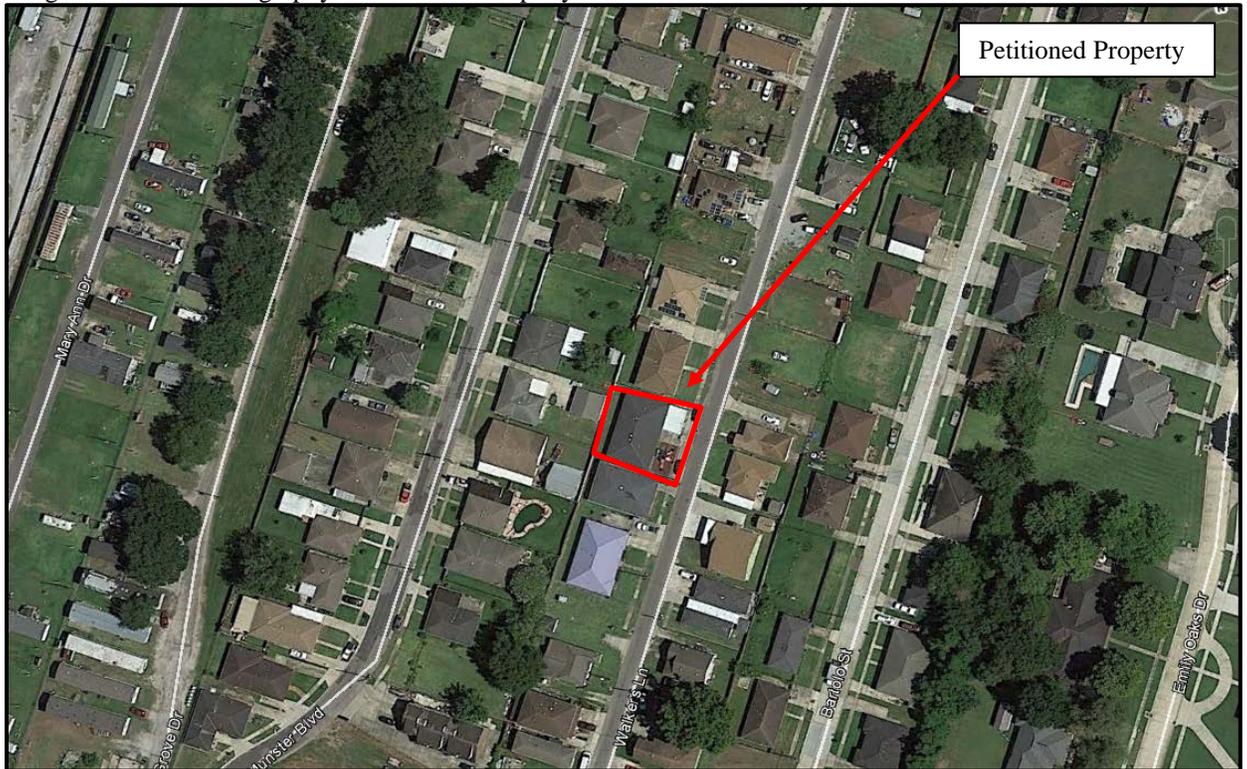
The request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. Staff recommends **DENIAL** of the request due to the proposed zone district spot zone nature and its dissimilar characteristic of the existing neighboring single-family residences.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 08/25/15)

Image #2: Street View of Petitioned Property



Source: Google Earth Street View (04/2011)

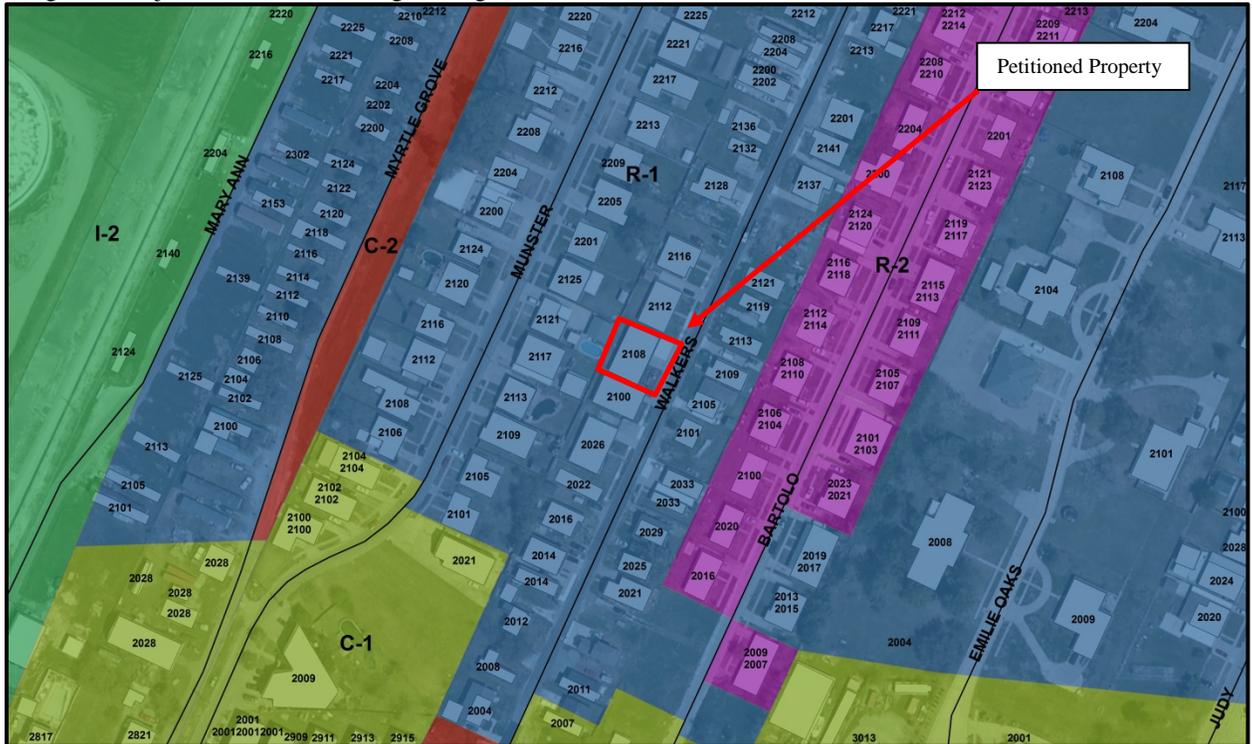
B. Site Description:

The subject site consists of three (3) lots of record located on Walkers Lane in Meraux. The subject property approximately has a total area of 5,700 sq. ft. or 0.13 acres when combined as a parcel. This site, including its front yard, is fenced in to accommodate a previous day care center which operated out of the residence. Playground equipment is present in the front yard.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located completely within an R-1 (Single-Family Residential) district. The surrounding area is developed with single-family residential structures in an overall suburban setting.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to an R-2 (Two-Family Residential) district in order to convert the existing single family residence into a two family residence.

The intent of the R-1 (Single-Family Residence) district is to allow low density residential uses found traditionally in neighborhood/suburban settings.

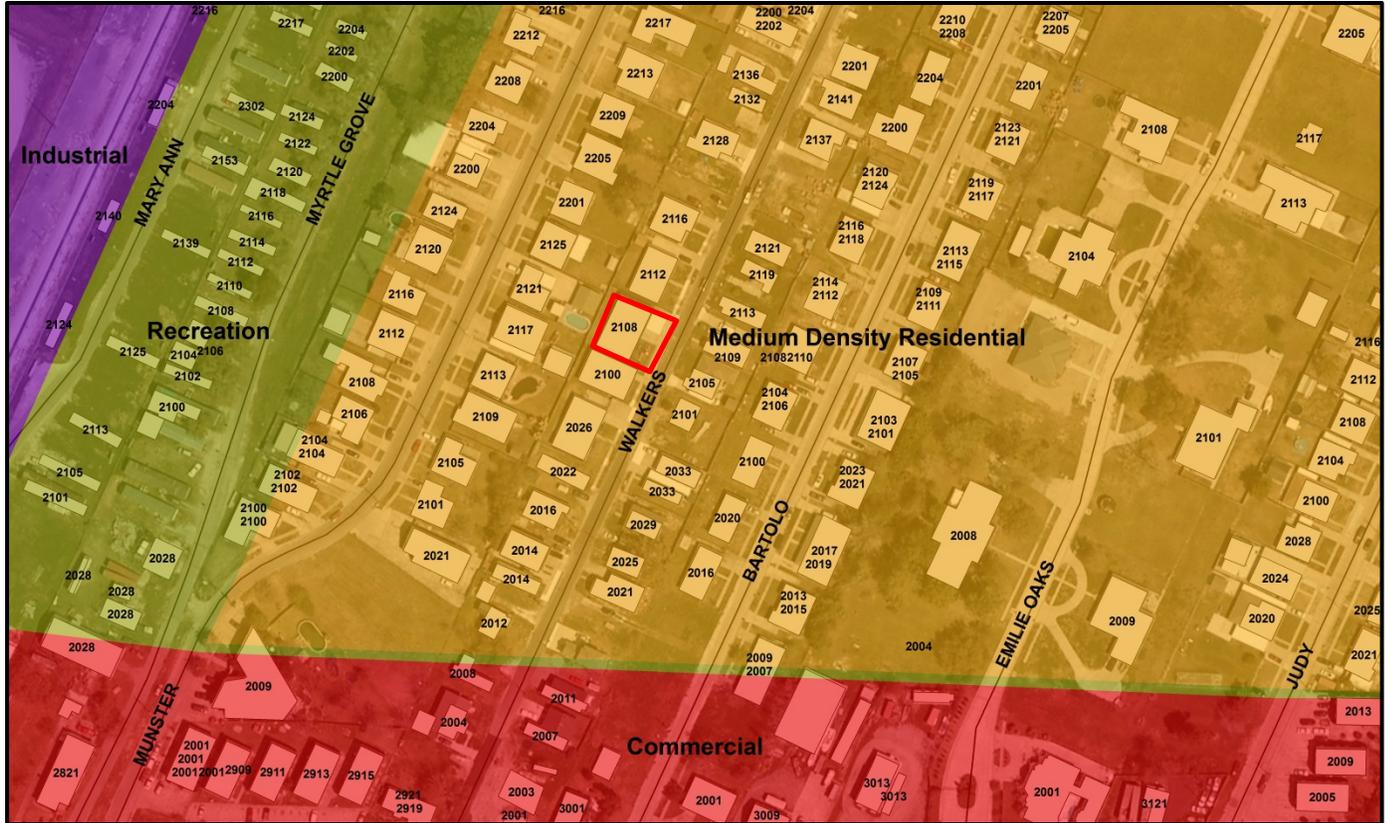
The staff believes that allowing a zoning change to R-2 at the requested property to allow a two family residence would not have a significant impact of adjacent land uses in excess of existing conditions currently experienced along Walkers Lane.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a petitioned property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting for the zoning change from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) to allow a two family residence

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Residential. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. Specifically listed, the proposed zoning change to allow automobile sales aligns with the Land Use/Density description for the Commercial designation; therefore, the requested zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-004 is a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located on Walkers Lane in Meraux. The property has total area of 5,700 sq. ft. or 0.13 acres. The applicant is requesting for the zoning change to allow a two family residence. The property was previously approved for a Conditional Use Permit to operate a daycare which is no longer in operation.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan.

Staff recommends **DENIAL** of the request due to the proposed zone district spot zone nature and its dissimilar characteristic of the existing neighboring single-family residences.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-004, a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district.

VI. Reason for Recommendation:

1. The proposed zone district is a spot zone in nature and is dissimilar in characteristic of the existing neighboring single-family residences.

#33

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-04-16

Summary No. 3369

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-004**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Walkers Lane Subdivision, Section 2, designated as lot 22.

Property Location: 2104 Walkers Lane, Meraux, LA 70075.

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.

Page -2-
Extract #33 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#32

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1582-04-16

A RESOLUTION SUPPORTING THE KEEPING OF ST. BERNARD STATE PARK OPEN TO SERVE THE RESIDENTS OF ST. BERNARD PARISH AND VISITORS TO THE PARISH.

WHEREAS, St. Bernard Park is located in the New Orleans Metropolitan area and is the closest Louisiana State Park to attractions in New Orleans; and

WHEREAS, St. Bernard State Park serves as a valuable resource for social and outdoor recreation to the citizens of St. Bernard Parish; and

WHEREAS, the campgrounds are used by St. Bernard Parish residents and campers from across Louisiana, the United States and the world; and

WHEREAS, the Splash pool provides a place for family fun to severely underserved populace in St. Bernard Parish with limited access to other means of recreation; and

WHEREAS, the park is located along the Mississippi River Trail that is currently being developed in St. Bernard Parish and, when complete will significantly raise the number of users in the park; and

WHEREAS, plans are currently underway to develop the park and add accommodations and amenities that will maximize the site and are anticipated to result in usage that will meet or exceed other state parks in Louisiana, and

WHEREAS, St. Bernard State Park is an important component in St. Bernard Parish's goal of increasing tourism and bringing more visitors to St. Bernard Parish; and

WHEREAS, the economic development of St. Bernard Parish is enhanced by the presence and future development of St. Bernard State Park.

NOW THEREFORE, BE IT RESOLVED BY THE ST. BERNARD PARISH COUNCIL, that St. Bernard Parish is strongly supportive of keeping the St. Bernard State Park open to serve the residents of St. Bernard Parish and its visitors to the parish.

Page -2-
Extract #32 continued
April 19, 2016

BE IT FURTHER RESOLVED, that the St. Bernard Parish Council is committed to working with the St. Bernard Parish Administration, the Louisiana Office of Culture and Tourism, Office of State Parks, and our elected officials to ensure that St. Bernard State Park remains open and available to our citizens, visitors to our parish, and tourist.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

2016 Regular Session

HOUSE BILL NO. 1080

BY REPRESENTATIVE GAROFALO

LOCAL GOVT/ORDINANCES: Authorizes certain parish governing authorities to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter

1 AN ACT

2 To amend and reenact R.S. 33:1236(21)(b) and (30)(b), relative to the powers of certain
3 parish governing authorities; to authorize certain parish governing authorities to
4 enact ordinances requiring property owners to remove deleterious growths, trash,
5 debris, and other noxious matter; to provide relative to liens granted in favor of the
6 parish governing authorities with respect to such properties; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1236(21)(b) and (30)(b) are hereby amended and reenacted to
10 read as follows:

11 §1236. Powers of parish governing authorities

12 The police juries and other parish governing authorities shall have the
13 following powers:

14 * * *

15 (21)

16 * * *

17 (b)(i) The governing authority of the parish of Jefferson and of any parish
18 with a population of not less than thirty-five thousand eight hundred persons and not
19 more than thirty-nine thousand persons according to the latest federal decennial

1 census may enact ordinances regulating or prohibiting the growth or accumulation
2 of grass, obnoxious weeds, or other deleterious or unhealthful growths, trash, debris,
3 refuse, or discarded or noxious matter.

4 (ii) In the exercise of the authority herein granted, the parish governing
5 authority may, among other things, but not by way of limitation, require or compel
6 property owners to cut or remove such grass, obnoxious weeds, or other deleterious
7 or unhealthful growths, trash, debris, refuse, or discarded or noxious matter on their
8 property.

9 (iii) If the owner of any lot located within recognized subdivisions outside
10 municipalities in the parish fails to cut or remove such matter when requested to do
11 so by the governing authority, within fifteen days after receipt of such request or
12 notice by a registered or certified letter or other adequate notice, the governing
13 authority may have such matter cut or removed and may charge such property owner
14 in accordance with regulations adopted by the governing authority.

15 (iv) Upon failure of any such property owner to pay the charges, the
16 governing authority may file a certified copy of said charges with the recorder of
17 mortgages, and the same, when so filed and recorded, shall operate as a lien and
18 privilege in favor of the parish against the property on which said matter was cut or
19 removed. In the parish of Jefferson and in any parish with a population of not less
20 than thirty-five thousand eight hundred persons and not more than thirty-nine
21 thousand persons according to the latest federal decennial census, the lien and
22 privilege granted under this Paragraph, when recorded within sixty days from the
23 date of completion of the cutting or removal, shall have the same ranking as an ad
24 valorem tax lien on immovable property as provided in R.S. 9:4821(1).

25 (v) The parish may, at its option, enact ordinances to add cutting and
26 removal charges to the annual ad valorem tax bill of the property involved. In the
27 parish of Jefferson and in any parish with a population of not less than thirty-five
28 thousand eight hundred persons and not more than thirty-nine thousand persons
29 according to the latest federal decennial census, if such charges are unpaid, the ad

1 governing authority may have such trash, debris, junk, or wrecked or used
2 automobiles, motor vehicles, or any part or parts thereof, or any other junk, discarded
3 or abandoned machinery, or other metal, tin, or other discarded items removed and
4 may charge the property owner therefor in accordance with regulations adopted by
5 the governing authority.

6 (iii) Upon failure of any such property owner to pay the charges, the
7 governing authority may file a certified copy of the charges with the recorder of
8 mortgages, and the copy when so filed and recorded, shall operate as a lien and
9 privilege in favor of the parish against the property from which the items were
10 removed. In the parishes of Jefferson, Ascension, and St. Tammany and in any
11 parish with a population of not less than thirty-five thousand eight hundred persons
12 and not more than thirty-nine thousand persons according to the latest federal
13 decennial census, the lien and privilege granted under this Paragraph, when recorded
14 within sixty days from the date of completion of the removal of the items, shall have
15 the same ranking as an ad valorem tax lien on immovable property as provided in
16 R.S. 9:4821(1).

17 (iv) The parish may, at its option, enact ordinances to add the removal
18 charges to the annual ad valorem tax bill of the property involved. In the parishes
19 of Jefferson, Ascension, and St. Tammany and in any parish with a population of not
20 less than thirty-five thousand eight hundred persons and not more than thirty-nine
21 thousand persons according to the latest federal decennial census, if such charges are
22 unpaid, the ad valorem tax lien imposed thereby and such rights attendant thereto
23 shall coexist with those granted under Item (iii) of this Subparagraph.

24 (v) In the event that such ordinances are enacted, the sheriff effecting
25 collection shall be reimbursed by the governing authority for an amount equal to
26 fifteen percent of the amount of such charges actually collected from the property
27 owner. This collection charge shall be in addition to such charges and shall also be
28 added to the ad valorem tax bill of the property involved.

provides for each parish to be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill of the property involved.

Proposed law retains present law and additionally authorizes the governing authority of any parish with a population of not less than 35,800 persons and not more than 39,000 persons to exercise the powers granted pursuant to present law.

(Amends R.S. 33:1236(21)(b) and (30)(b))

#31

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. xxxx, seconded by Mr. xxxx, it was moved to **adopt** the following resolution.

RESOLUTION SBPC #1581-04-16

A RESOLUTION SUPPORTING HOUSE BILL 1080 WHICH AUTHORIZES CERTAIN PARISH GOVERNING AUTHORITIES TO ENACT ORDINANCES RELATIVE TO THE REMOVAL OF DELETERIOUS GROWTHS, TRASH, DEBRIS, AND OTHER NOXIOUS MATTER.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority does hereby, support House Bill 1080 which authorizes certain parish governing authorities to enact ordinances relative to the removal of deleterious growths, trash, debris, and other noxious matter.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **adopted** on the 19th day of April, 2016.

Page -2-
Extract #31, continued
April 19, 2016

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#30

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1580-04-16

A RESOLUTION APPOINTING NEW MEMBERS TO THE PLANNING COMMISSION.

WHEREAS, the Appointments Review Board has made recommendations to the Open Positions on the Planning Commission, and;

WHEREAS, this Council is desirous of filling the aforementioned board and vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the Tourist Commission:

DISTRICT	MEMBER	TERM
B	Earl Dauterive	April 2016 – April 2017
C	Joey Englert	April 2016 – April 2017
D	Armand Duvio	April 2016 – April 2017
E	Kevin Williams	April 2016 – April 2017

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #30 continued
April 19, 2016

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#29

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1579-04-16

A RESOLUTION APPOINTING NEW MEMBERS TO THE HOME MORTGAGE AUTHORITY.

WHEREAS, the Appointments Review Board has made recommendations to the Open Positions on the Home Mortgage Authority, and;

WHEREAS, this Council is desirous of filling the aforementioned board and vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the Tourist Commission:

MEMBER	TERM
Clifford Ruether	
Gus Riess	
Robert Showalter	
Joseph Difatta	

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #29 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#28

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1578-04-16

A RESOLUTION APPOINTING NEW MEMBERS TO THE COASTAL ZONE ADVISORY COMMITTEE.

WHEREAS, the Appointments Review Board has made recommendations to the Open Positions on the Coastal Zone Advisory Committee., and;

WHEREAS, this Council is desirous of filling the aforementioned board and vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the Tourist Commission:

MEMBER	TERM
Monty Montelongo III	April 2016 – April 2017
Robert Campo	April 2016 – April 2017
Ronald Adams	April 2016 – April 2017
Nicolas Cusimano	April 2016 – April 2017
Bobby Lovell	April 2016 – April 2017
Mark Munson	April 2016 – April 2017
Troy Guerra	April 2016 – April 2017
Jared Kattengell	April 2016 – April 2017
Ryan Miller	April 2016 – April 2017

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #28 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#27

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1577-04-16

A RESOLUTION APPOINTING NEW MEMBERS TO THE PARK AND PARKWAYS COMMISSION.

WHEREAS, the Appointments Review Board has made recommendations to the Open Positions on the Park and Parkways Commission, and;

WHEREAS, this Council is desirous of filling the aforementioned board and vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the Tourist Commission:

MEMBER	TERM
Amanda Hardesty	April 2016 – April 2017
Nicolas Cusimano	April 2016 – April 2017
Mike Pritchard	April 2016 – April 2017
Kevin Hargis	April 2016 – April 2017
Carly Jackson	April 2016 – April 2017

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #27 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#26

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1576-04-16

A RESOLUTION APPOINTING NEW MEMBERS TO THE TOURIST COMMISSION.

WHEREAS, the Appointments Review Board has made recommendations to the Open Positions on the Tourist Commission, and;

WHEREAS, this Council is desirous of filling the aforementioned board and vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following to the Tourist Commission:

MEMBER	TERM
Gail Buckley	April 2016 – April 2017
Gary Huettmann	April 2016 – April 2017
Phyllis Diecidue	April 2016 – April 2017

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #26 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#25

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1575-04-16

A RESOLUTION TO AMEND POLICE JURY RESOLUTION 1:0 N TO AMEND THE ST. BERNARD PARISH HOME MORTGAGE AUTHORITY TRUST AGREEMENT AND BYLAWS CONTAINED THEREIN TO APPOINT TWO ADDITIONAL TRUSTEES AND TO CREATE STAGGERED TRUSTEE TERMS.

Language TBD...

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #25 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#24

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1574-04-16

A RESOLUTION AUTHORIZING ST BERNARD PARISH TO PREPARE AND SUBMIT A PRE-APPLICATION TO THE STATEWIDE FLOOD CONTROL PROGRAM FOR ASSISTANCE IN THE IMPLEMENTATION OF DRAINAGE IMPROVEMENTS TO ST. CLAUDE HEIGHTS, CAROLYN PARK, BUCCANEER VILLA NORTH, AND CHALMETTE PLAZA SUBDIVISIONS FOR THE PURPOSE OF REDUCING EXISTING FLOOD DAMAGES; PROVIDING FOR THE NECESSARY DOCUMENTATION OF SAID FLOOD DAMAGES; AND PROVIDING FOR OTHER RELATED MATTERS IN CONNECTION THEREWITH.

WHEREAS, St. Claude Heights, Carolyn Park, Buccaneer Villa North, and Chalmette Plaza Subdivisions have been adversely affected by damages from flood waters; and

WHEREAS, St. Bernard Parish desires to apply for State matching funds pursuant to L.A. R.S. 38:90.1 et. seq., as amended, to implement a project to reduce said flood damages, and that (sponsoring authority) is fully aware of its obligations under said Statute; and

WHEREAS, St. Bernard Parish is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under the Statute.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council as follows:

SECTION 1. That St. Bernard Parish acknowledges that upon approval of the pre-application a formal application will be prepared and submitted to the Statewide Flood Control Program.

SECTION 2. That at the appropriate time and upon approval of funding assistance and prior to commencement of work on the project St. Bernard Parish agrees to execute a Statement of Sponsorship pursuant to said Statute.

SECTION 3. That Keith LaGrange, Director of Public Works, is hereby designated Authorized Representative for St. Bernard Parish to effect the preparation of the pre-application and application to the Statewide Flood Control Program for funding assistance of a flood control project.

Page -2-
Extract #24 continued
April 19, 2016

SECTION 4. That said Authorized Representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the Parish of St. Bernard (sponsoring authority).

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#23

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1573-04-16

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE UNIVERSITY OF NEW ORLEANS RESEARCH AND TECHNOLOGY FOUNDATION'S EPA LAKE PONTCHATRAIN BASIN RESTORATION GRANT PROGRAM IN THE AMOUNT OF \$36,000.00 FOR THE ST. BERNARD PARISH GREEN INFRASTRUCTURE PROGRAM

WHEREAS, the U.S. Environmental Protection Agency (EPA) has provided funding under the Clean Water Act and the Lake Pontchartrain Basin Restoration Act for the Lake Pontchartrain Basin Restoration Program as administered by the University of New Orleans Research and Technology Foundation, Inc.; and

WHEREAS, the Lake Pontchartrain Basin Restoration Program Executive Committee has issued a Request for Proposals for the FY2016 grant program; and

WHEREAS, this grant has been helpful in providing funding for tasks that further stormwater pollution prevention as required in the Parish's MS4 permit;

WHEREAS, the Parish is also nearing completion of the *Integrated Water Resource Management Plan* which contains several recommendations and action steps regarding water quality; and

WHEREAS, this grant could assist the Parish in establishing a Green Infrastructure Program by providing funding to 1) audit and evaluate existing codes and ordinances in order to add language which would encourage and facilitate green infrastructure approaches; 2) train staff on implementation methods; and 3) provide informational materials and a speakers program to train the public on green infrastructure techniques.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government to sign and submit all required grant applications, Cooperative Endeavor Agreements and any amendments thereof, and all of the necessary reports, assurances, contracts and any other documents required in connection with the EPA Lake Pontchartrain Basin Restoration Program in the amount of \$36,000.00.

Page -2-
Extract #23 continued
April 19, 2016

BE IT FURTHER RESOLVED, the St. Bernard Parish Council does hereby authorize the commitment of an additional \$4,000.00 of local match (\$2,000.00 cash and \$2,000.00 in-kind staff contribution) for this project application, if awarded (total project cost: \$40,000.00).

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#22

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1572-04-16

A RESOLUTION ADOPTING THE ST. BERNARD PARISH COMPLETE STREETS POLICY.

WHEREAS, the goal of a Complete Streets Policy is to implement an approach to roadway construction and maintenance that recognizes the needs of all users should be accommodated within the roadway right-of-way including motor vehicles, commercial and industrial traffic, pedestrians, bicyclists, the elderly, the disabled, and transit users; and

WHEREAS, St. Bernard Parish representatives have held two workshops to learn about Complete Streets with the assistance of the Regional Planning Commission of Orleans, Jefferson, Plaquemines, St. Bernard, St. Tammany and Tangipahoa Parishes and their consultant team; and

WHEREAS, the St. Bernard Parish Comprehensive Plan requires a Complete Streets Policy be implemented by the Parish; and

WHEREAS, numerous other agencies across the country have adopted Complete Streets policies since 2004 including the Regional Planning Commission of Orleans, Jefferson, Plaquemines, St. Bernard, St. Tammany and Tangipahoa Parishes; the Louisiana Department of Transportation and Development; and the cities of Baton Rouge and New Orleans; and

WHEREAS, St. Bernard Parish supports the benefits a Complete Streets Policy can provide for the Parish including improved safety for all users especially the disabled and people who rely on non-motorized transportation and transit as their primary means of travel; enhanced access to employment, shopping and other destinations; improved connectivity throughout the community, improved community health; and increased economic development; and

WHEREAS, St. Bernard Parish Government supports the adoption of a Complete Streets Policy in order to expand our multi-modal transportation system and improve the overall quality of life for our residents; and

Page -2-
Extract #22 continued
April 19, 2016

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council, does hereby adopt this Complete Streets Policy as outlined below:

Purpose The purpose of the St. Bernard Complete Streets Policy is to provide safe access for all users of all roadways, wherever feasible, in order to improve safe travel, accessibility, connectivity, health, economic growth, and the overall quality of life of St. Bernard Parish residents.

Scope of Coverage This policy will apply to all new roadway construction projects, and drainage projects along roadways, undertaken after the adoption of this policy. It will apply to those projects in the early stages of design or implementation where plan changes can be easily incorporated to implement Complete Streets improvements. It will not apply to routine maintenance such as pot-hole patching but will apply to such projects as resurfacing and drainage improvements that provide an opportunity to further Complete Streets goals.

Limitations This policy acknowledges it may not be possible to modify projects that are in the final plans stage of design engineering and/or nearing construction and an exception from the policy will be made for those projects.

Policy Requirements This policy requires a formal review be conducted of any new roadway project (or drainage project along an adjacent roadway) for potential improvements that will make the roadway safer and more accommodating for pedestrians, bicyclists, and transit users to the extent possible and practical according to current best practices design standards. Incorporation of such recommended improvements must be done within the context of the selected roadway, its adjacent land use, and the surrounding area; and in accordance with the St. Bernard Parish Comprehensive Plan and related adopted plans of the Parish.

Exceptions to the Policy It may not be possible to incorporate optimum improvements for all users in all projects due to the surrounding land use conditions, right-of-way limitations, and other constraints. Exceptions will be made to this policy if potential improvements are not feasible from a practical standpoint or are so costly they are out of balance with the overall project budget. While optimum improvements may not be feasible in all cases, it is the goal of this policy to improve conditions for all users. Therefore, less than optimum improvements will be considered if they further this overall goal.

Page -3-
Extract #22 continued
April 19, 2016

Implementation Process Administrative staff, led by the Community Development Department working jointly with the Public Works Department, will review current procedures, practices, ordinances, and regulations and initiate such changes as are needed to implement this policy including formal procedures for Complete Streets reviews and stricter enforcement of current regulations. Such changes that require amendments to local ordinances will be presented to the Council for consideration.

An ad-hoc Implementation Working Group, composed of representative stakeholders such as bicycle users, will be formed to provide advisory public input to the Community Development and Public Works Department on such procedures and ordinance amendments. A final report of the Implementation Working Group will be presented to the Parish President and the public by no later than August, 2016.

Annual Report An annual Complete Streets Report will be made to the Council each August on the number of projects evaluated, the resulting changes and its impact (for example, as measured by linear feet of sidewalk added, miles of bikeways added, or number of new bus turnouts installed, etc.)

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -4-
Extract #22 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#21

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1571-04-16

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME PLAN IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS AND PROJECTS.

WHEREAS, St. Bernard Parish Government has been afforded the opportunity to apply and participate in the Community Development Block Grant – Disaster Recovery Program administered by the Division of Administration; and,

WHEREAS, the STATE requires Grantees to establish uniform procedures in compliance with OMB Circular A-102.

SECTION 1. NOW, THEREFORE BE IT RESOLVED by the St. Bernard Parish Council, that the attached policy titled "Community Development Block Grant Program Income Plan" is hereby adopted and affirmed on this 19th day of April, 2016.

SECTION 2. Severability. If any section, clause, paragraph, provision or portion of this resolution 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 resolution, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this resolution with the invalid portions omitted.

Page -2-
Extract #21 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#20

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1570-04-16

A RESOLUTION AUTHORIZING ACCEPTANCE OF A WALMART FOUNDATION COMMUNITY GIVING PROGRAM GRANT IN THE AMOUNT OF \$2,500.00 FOR RECREATION DEPARTMENT EQUIPMENT.

WHEREAS, the Walmart Foundation's offers a Community Grant Program which provides grants to support and strengthen local communities; and

WHEREAS, local organizations, including St. Bernard Parish Government, are eligible to apply for grants of up to \$2,500.00; and

WHEREAS, St. Bernard Parish applied to this grant program in March as authorized by the Council at its February 18, 2016 meeting; and

WHEREAS, we received notice of an award in the amount of \$2,500.00 (no local matching funds required) for sports equipment.

NOW THEREFORE BE IT RESOLVED that the St. Bernard Parish Council, does hereby authorize the acceptance of a Walmart Foundation Community Giving Program Grant in the amount of \$2,500.00 for Parks and Recreation Department sports equipment.

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

Page -2-
Extract #20 continued
April 19, 2016

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1569-04-16

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AWARD INCREASE IN THE AMOUNT OF \$89,240.00 FROM THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S TRANSPORTATION ALTERNATIVES PROGRAM FOR THE MISSISSIPPI RIVER TRAIL, PHASE III.

WHEREAS, St. Bernard Parish received a Transportation Alternatives Program grant, as administered by the Louisiana Department of Transportation and Development (DOTD), in July, 2016 for the St. Bernard Parish Mississippi River Trail, Phase III (Violet to Braithwaite) in the amount of \$818,000.00; and

WHEREAS, this grant application also included use of funding from the Louisiana Recreational Trails Program; and

WHEREAS, due to administrative issues, DOTD wished to consolidate all grant funding under the Transportation Alternatives Program and a request for increased funding was submitted by the Parish in June, 2015; and

WHEREAS, the Parish received notice of an increased grant award in the amount of \$89,240.00 on March 24, 2016.

NOW THEREFORE BE IT RESOLVED that the St. Bernard Parish Council, does hereby authorize acceptance of an increased grant award for the Mississippi River Trail, Phase III by Louisiana DOTD's Transportation Alternatives Program in the amount of \$89,240.00 bringing the total grant award to \$907,240.00.

Page -2-
Extract #19 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#18

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1568-04-16

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE AN AGREEMENT WITH THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT FOR THE ST. BERNARD PARISH MISSISSIPPI RIVER TRAIL – PHASE I & II (STATE PROJECT NUMBER H.007546)

WHEREAS, St. Bernard Parish and the Louisiana Department of Transportation and Development (DOTD) executed an agreement on July 6, 2010 to engineer and build the St. Bernard Parish Mississippi River Trail, Phase I&II as a 10 foot wide asphalt path along the levee top from just east of the Valero Refinery to the Violet Canal; and

WHEREAS, St. Bernard Parish has proceeded since 2010 with the required engineering, geotechnical analysis, and survey work necessary to develop construction plans and bid documents in accordance with DOTD and Federal Highway Administration requirements; and

WHEREAS, St. Bernard Parish was approved to receive funding under the original Congestion Mitigation and Air Quality Program (CMAQ) as authorized in the federal transportation bill known as TEA-21, and has been approved for State funding at the original CMAQ authorization level that requires a 5% local funding match; and

WHEREAS, final plans and specifications are awaiting final DOTD approval and authorization for bidding this spring with expected construction over approximately 6 months; and

WHEREAS, the original agreement with St. Bernard Parish was signed by former Parish President Craig Taffaro and DOTD has requested an updated resolution of authorization for signatures.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government and the DOTD Responsible in Charge to sign and submit the grant agreement for the St. Bernard Parish Mississippi River Trail Phase I & II (State Project #H.007546) and all of the necessary reports, assurances, and any other related documents required in connection with this funding program.

Page -2-
Extract #18 continued
April 19, 2016

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

YEAS:

NAYS:

ABSENT:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#17

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, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1567-04-16

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby approve the following permits as recommended by the Alcohol Beverage and Bingo Department:

Beer and/or Liquor Permit(s)

<u>Establishment</u>	<u>Beer</u>	<u>Liquor</u>
1. RaceTrac Petroleum, Inc. dba RaceTrac #2350 2713 Paris Road, Chalmette, LA 70043 Manager: Belinda Anthony	X	X
2. RaceTrac Petroleum, Inc. dba RaceTrac #2368 8130 W. Judge Perez Drive, Chalmette, LA 70043 Manager: Crystal Stebbins	X	X
3. St. Bernard Parish Government - Frederick Sigur Civic Auditorium 8245 W. Judge Perez Drive, Chalmette, LA 70043 Manager: Maurine Liuzza	X	X
4. St. Bernard Parish Government - Recreation Department 1101 Magistrate Street, Chalmette, LA 70043 Director: Yolanda Banks Thomas	X	X
5. Today's Ketch Seafood, Inc., dba Today's Ketch Seafood 2110 E. Judge Perez Drive, Chalmette, LA 70043 Owners: Jeffrey & Teri Pohlmann	X	

Page -2-
Extract #17 continued
April 19, 2016

Special Event(s)

1. Name of Organization: 'SOAR': Strengthening Outcomes With Autism Resources
Address: 3809 Paris Road, Chalmette, LA 70043
Name of Event: **SOAR Crawfish Boil-off, Autism Fund Raiser**
Location: Desi's, 3809 Paris Road, Chalmette, LA 70043
Date & Time of Event: May 17, 2016; 11:00 a.m. – 7:00 p.m.

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

YEAS:

NAYS:

ABSENT:

ABSTAINED:

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

And the motion was declared **xxxxxxx** on the 19th day of April, 2016.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, April 19, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

EXHIBIT "A"

ID	BER	Address	City	Zip
1	72603	620 COUGAR DR	ARABI	70032

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3368

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

WHEREAS the purpose of this ordinance is to encourage the subdivision of nonconforming lots into larger conforming lots utilizing former Louisiana Land Trust properties. The St. Bernard Parish Council finds that using former Louisiana Land Trust properties in this way will promote the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan.
- b. It will eliminate nonconforming lots.
- c. It will make St. Bernard Parish more attractive for former residents to return and for new residents to locate in the parish.
- d. It will aid in the prevention and elimination of slum and blight conditions by reducing the supply of developable land.
- e. It will reduce density in Special Flood Hazard Areas.
- f. It will promote the economic recovery of the parish.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to convey the former Louisiana Land Trust properties listed in Exhibit "A" to interested owners in accordance with the Lot Next Door II – Side Lot program established by this ordinance.

SECTION 2. The Parish President and the Chief Administrative Officer each is hereby authorized to execute all instruments necessary to effectuate the conveyances authorized by this ordinance, and are further authorized to execute any and all additional instruments necessary to implement the program, including

instruments necessary to enforce the requirements of The Lot Next Door II program or to reacquire, claw back, or accept a reversion of any property on behalf of the St. Bernard Parish in the event that a purchaser under the program fails to comply with its requirements. It is recognized and agreed the Parish President and/or Chief Administrative Officer may nominate a designee by use of a power of attorney to transfer, sell, and auction, the properties in Exhibit "A" in accordance with the laws of Louisiana.

SECTION 3. The Lot Next Door II program shall be administered by the Community Development Department, which shall seek the cooperation of Louisiana Land Trust to assist the parish based on its experience with Lot Next Door I.

SECTION 4. The Lot Next Door II program shall observe the following minimum standards:

- I. Qualified Properties: Parcels of property eligible for inclusion in the St. Bernard Parish Government (SBPG) Side Lot Program (LND II) shall meet the following minimum criteria:
 1. The property shall be residentially zoned real property.
 2. The property shall be physically contiguous to adjacent property only.
 3. The final property shall consist of no more than one (1) lot capable of development.
 4. The property shall be conveyed to the transferees directly by SBPG.
 5. Transfers will be available to one (1) adjacent side lots on one (1) side of the transferee parcel and shall not create a combined parcel that exceeds one hundred eighty (180) linear foot of frontage.
 6. The resulting subdivision shall not create a through lot.
 7. The LND II Program is available only to those properties that did not participate in any previous LND Program.

- II. Transfer Of Property:
 1. First right of refusal shall be granted to domiciled homestead exempt properties for adjacent parcel owners as follows:
 - a. In cases where two (2) side lot neighbors agree to purchase a middle lot that falls into public ownership, the neighbors shall purchase said property such that each neighbor receives half the property.
 - b. If one adjoining neighbor opts not to purchase half the property, the other adjoining neighbor shall have the option to purchase the whole lot ((not to exceed one hundred eighty (180) foot frontage)).
 - c. Any lot or parcel acquired through the LND II Program shall be re-subdivided or deed restricted as one (1) lot for the use of the adjacent owner/occupied residential property.
 - d. Upon sale through the LND II Program the purchaser shall be

required to bring their house and the acquired lot into compliance with current housing, health, and safety codes within thirty (30) days of the transfer.

2. Second right of refusal shall be granted to non-domiciled adjacent property owners agreeing to owner occupancy of the re-subdivided or deed restricted contiguous property for a future permitted structure that meets minimum housing standards within two (2) years. The building permit shall be applied for and granted within one (1) year from closing.
3. The transferee must not own any real property (including both the contiguous lot and other property in SBP) that is subject to any non-remediated citation of violation of the state and/or local codes, covenants and/or ordinances. Remediation of any violations must occur before the transferee will be eligible for a LND II parcel.
4. The transferee must not own any real property (including both the contiguous lot and all other property in SBP) that is tax delinquent at the time of the LND II purchase.
5. Properties shall be conveyed at fair market value, as determined in accordance with the Community Development Block Grant program requirements and Action Plan Amendments.

III. Deed Restrictions: Permanent deed restrictions will be placed on the lot to be acquired which will prohibit its sale separate from the parcel next door and which will prevent the construction of a separate residence on the transferred lot in perpetuity.

1. A clear statement of the restrictions on lot use shall be provided in the initial letter of notification, the agreement to purchase document and at the act of sale.
2. Re-platting of half (1/2) lot purchases shall occur prior to transfer of title, with the costs of re-platting being an expense of the buyers.

SECTION 5. 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 6. 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.

SECTION 7. Other Ordinances and Codes Unaffected. Nothing herein shall be interpreted to repeal or otherwise diminish the powers of the Parish or its employees, officers, or agents under any other ordinance or code, including but not limited the Zoning Ordinance, the Building Code, and the Minimum Housing Code, all of which shall apply to Lot Next Door II properties in addition to the provisions of this ordinance.

BY DIRECTION OF
Kerri Callais
KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government
Summary No. 3367
Ordinance SBPC #XXXX-XX-XX
Proposed 2016 Budget Amendment 4-5-2016

G/L ACCOUNT CODE				ACCOUNT TITLE		ENTRY AMOUNT	
<u>Fund</u>	<u>Cost Center</u>	<u>Project</u>	<u>Ledger Code</u>			<u>Increase</u>	<u>Decrease</u>
190	3495	8866	430540	Highway Planning & Construction	<i>Revenue</i>	\$ 4,031,827.00	
190	3495	8866	570493	CIP	<i>Expenditure</i>	\$ 4,031,827.00	
			391000	<i>Net Effect on Fund Balance</i>		<u>\$0.00</u>	<u>\$0.00</u>

This Budget Amendment is to recognize Federal Funding (CFDA #20.205 Highway Planning and Construction) and the associated expenditures.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3367

Introduced by: Administration on 4/5/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3366

Introduced by: Administration on 4/5/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

WHEREAS, the purpose of this ordinance is to exempt the provisions of the Code of Ordinances for residential properties entered into the St. Bernard Parish Government Residential Elevation Project with regard to permissible off-street parking locations only. The St. Bernard Parish Council finds that the need to elevate repetitive loss structures outweighs any requirement of providing permissible off-street parking location(s) which may be forfeited as a result of such elevation. The St. Bernard Parish Council also finds the St. Bernard Parish Government Residential Elevation Project will promote or benefit the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan of elevating structures.
- b. It is funded through FEMA & the Governor's Office of Homeland Security and Emergency Preparedness utilizing federal Hazard Mitigation Funds allocated to St. Bernard Parish as a result of Hurricane Katrina.
- c. It will focus on existing slab on grade residential developments; thereby, reducing the amount of repetitive loss structures in St Bernard Parish.
- d. It will elevate residential structures to meet or exceed BFE/ABFE/DFIRM requirements in an effort to maintain compliance with FEMA flood maps.
- e. It will aid in the prevention and elimination of repetitive loss conditions to existing residential slab on grade developments.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to exempt any residential property entered in the St. Bernard Parish Government Residential Elevation Project from the provisions of the Code of Ordinances as it relates to the forfeiture of permissible off-street parking areas as a result of such elevation actions established by this ordinance.

SECTION 2. St. Bernard Parish Government Residential Elevation Project program shall be administered by the Department of Recovery – Office of Hazard Mitigation Grant Program (HMGP), which shall seek the cooperation of FEMA, the Governor's Office of Homeland Security and Emergency Preparedness and the property owners' representative of Hunt, Guillot and Associates (HGA).

SECTION 3. St. Bernard Parish Government Residential Elevation Project program shall observe the following minimum standards with regard to elimination of permissible off-street parking areas as a result of structural elevation:

1. The property shall be entered into the St. Bernard Parish Government Residential Elevation Project at the time of the elevation.
2. The property shall be of slab on grade construction.
3. The property may utilize existing conditions on the site for off-street parking areas such as a durable, impermeable, all-weather material driveway(s).
4. The property, property owner or any other party with interest in the property shall not attempt development of any new off-street parking area(s) on the site which does not meet the development standard requirements of the Code of Ordinances.
5. If an attached garage is elevated with the main residential structure, then the former attached garage shall be enclosed by the removal of any doorway associated with its former use as an automotive garage and replaced with materials comparable to the existing façade of the main residential structure.
6. If an attached garage is not elevated with the main residential structure, then the former attached garage may retain any doorway associated with a former use as an attached automotive garage to promote structural access or storage.
7. The property owner may be required to provide guard rails on elevated areas formally utilized as parking pads, with or without an attached carport structure, subject to the requirements of the International Building Code.
8. The property owner may locate automobiles associated with the affected property within approved areas of the adjacent streets (rights-of-way not including sidewalk areas), where permissible.
9. These site conditions shall run in perpetuity of the property with the existence affected elevated structure.

SECTION 4. 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 5. 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.

BY DIRECTION OF
Kerri Callais
KERRI CALLAIS
COUNCIL CHAIR

EXHIBIT "A"
SUMMARY NO. 3365

CHAPTER 5 - BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS

ARTICLE IX. - STORMWATER
DIVISION 1. - GENERAL PROVISIONS

Sec. 5-191. - Title.

This article shall be known as the "Stormwater Ordinance of the St. Bernard Parish Government" and may be cited and referred to herein as "this article."

Sec. 5-192. - Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the parish and protect the environment within the parish, to the maximum extent practicable as required by federal and state law, through the regulation of certain activities and discharges that may impact stormwater discharges to the parish's storm drainage system. Among other things, this article regulates (a) illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system; (b) certain stormwater discharges in connection with construction activities; (c) certain land clearing activities that may impact stormwater discharges; and (d) post-construction erosion and sedimentation control. The objectives of this article are:

- (1) To maintain and improve the quality of surface water and groundwater within the parish;**
- (2) To prevent the discharge of contaminated stormwater runoff into the parish's municipal separate storm sewer system and natural waters affected by the parish;**
- (3) To prohibit illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system and natural waters affected by the parish;**
- (4) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the parish;**
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the parish;**
- (6) To enable the parish to comply with all federal and state laws and regulations applicable to stormwater discharges, including those requirements imposed upon the parish under its Louisiana Pollutant Discharge Elimination System Municipal Separate Sewer System discharge permit; and**
- (7) To establish the legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.**

Sec. 5-193. - Applicability.

This article shall apply to all water entering the MS4 generated on any lands within the parish unless explicitly exempted by the director of public work or his designee.

EXHIBIT "A"
SUMMARY NO. 3365

Sec. 5-194. - Administration.

Except as otherwise provided herein, the public works director or his designee shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the public works director may be delegated in writing by the public works director to other parish personnel.

Secs. 5-195. - Reserved.

DIVISION 2. - ABBREVIATIONS AND DEFINITIONS

Sec. 5-196. - Abbreviations.

BMPs—Best management practices.

CFR—Code of Federal Regulations.

EPA—U.S. Environmental Protection Agency.

LDEQ—Louisiana Department of Environmental Quality.

LPDES—Louisiana Pollutant Discharge Elimination System.

OSP—Office of Safety and Permits

mg/l—Milligram per liter.

MS4—Municipal separate storm sewer system.

NPDES—National Pollutant Discharge Elimination System.

PPM—Parts per million.

PST—Petroleum storage tank.

SWPPP—Stormwater pollution prevention plan.

Sec. 5-197. - Definitions.

Agricultural stormwater runoff. Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2313 or discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2313.

Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

EXHIBIT "A"
SUMMARY NO. 3365

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction activity. Activities subject to an LPDES permit for construction activities. Currently LPDES permits for construction activities are required for construction projects resulting in land disturbance of one acre or more. Construction activities include, but are not limited to, clearing, grading, and excavating.

Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, or waters of the state of any substance which may be deleterious to the public health and/or quality of the water.

Discharge. Any addition or introduction of any pollutant, stormwater, wastewater, or any other substance whatsoever into the MS4 or into waters of the state.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of at least 70 percent of the site.

Fire protection water. Any water, and any substance or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, serving, and consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Harmful quantity. The amount of any substance that will cause pollution of waters of the state.

Hazardous household waste. Any material generated in a household by a consumer which, except for the exclusion provided in LAC 33:V.105.D.2.a, would be classified as a hazardous waste under LAC 33:V.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by LDEQ pursuant to LAC 33:V.

Illicit connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4, including, but not limited to, any conveyance that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether such drains or connections have been previously allowed, permitted, or approved.

EXHIBIT "A"
SUMMARY NO. 3365

Illicit discharge. Any discharge to the MS4 that is not composed entirely of stormwater, unless otherwise exempt.

Industrial waste. Solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process.

Land clearing permit. Permit to conduct clearing, grading, excavation, or other land disturbance activities without a building permit.

LPDES permit. A Louisiana Pollutant Discharge Elimination System permit issued by LDEQ that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis. As used herein, LPDES permit also includes any National Pollutant Discharge Elimination (NPDES) permit issued by EPA that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

Municipal landfill or landfill. An area of land or an excavation in which municipal solid waste is placed for permanent disposal and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural and manmade channels, and storm drains) that:

- (1) Is located within the parish;
- (2) Is owned or operated by the parish;
- (3) Is designed or used for collecting or conveying stormwater;
- (4) Discharges to waters of the state; and
- (5) Does not include any publicly owned treatment works, or lawful connections thereto, which in turn discharge to waters of the state.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, residential, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste, excluding industrial waste.

Nonpoint source. Any source of any discharge of a pollutant that is not a point source.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, lubricant, grease, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, have the day-to-day operational control over those activities at a facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility.

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity; or an employee or legal representative or agent thereof. This definition includes all federal, state, and local entities.

EXHIBIT "A"
SUMMARY NO. 3365

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a motor fuel, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain oil and/or petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable purpose.

Public works director. The person appointed by the parish president to the position of public works director.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the state.

Rubbish. Nonputrescible solid waste, excluding ashes, that consists of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard waste, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sanitary sewer or sewer. The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the parish sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or sanitary sewage. The domestic sewage and/or industrial waste that is discharged into the parish sanitary sewer system and passes through the sanitary sewer system to the parish sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

EXHIBIT "A"
SUMMARY NO. 3365

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, community, agricultural, and institutional operations and activities.

State. State of Louisiana.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in LAC 33:IX.2511.B.14; provided such discharge is not excluded from LDEQ's definition of stormwater discharge associated with industrial activity in LAC 33:IX.2511.B.14.

Stormwater pollution prevention plan (SWPPP). A plan required by an LPDES permit that describes and ensures the implementation of best management practices that are to be used to identify and eliminate or reduce the pollutants in stormwater discharges associated with construction or industrial activity at a facility.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil and that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the state. All groundwater and surface waters within the State of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. This includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the State of Louisiana otherwise defined as waters of the United States in 40 CFR 122.2, and tributaries of all such waters. Waters of the state does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et. seq.

Water quality standard. A definite numerical criterion value or general criterion statement or policy statement promulgated by LDEQ to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forest, and similar areas.

Yard waste. Vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

Secs. 5-198. - Reserved.

EXHIBIT "A"
SUMMARY NO. 3365

DIVISION 3. - REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Sec. 5-199. - Best management practices.

The public works director or his designee may adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state. The owner or operator of a commercial or industrial establishment within the parish shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge or that has an illicit connection may be required to implement, at such person's sole expense, additional structural and non-structural BMPs to properly address such illicit discharge and/or illicit connection. Any BMPs adopted by the public works director or his designee pursuant to this section shall be incorporated in any stormwater pollution prevention plan developed by a discharger within the parish in order to comply with the requirements of any applicable LPDES permit issued to such discharger.

Secs. 5-200. - Reserved.

DIVISION 4. - ILLICIT DISCHARGES AND CONNECTIONS

Sec. 5-201. - Illicit discharges—General.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of EPA or an LPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of LDEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, variance, or order and other applicable laws and regulations.**
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:**
- (1) A discharge authorized by, and in full compliance with, an LPDES permit issued to the discharger;**
 - (2) A discharge or flow resulting from fire fighting activities by the fire department;**
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;**
 - (4) Agricultural water runoff;**
 - (5) A discharge or flow from water line flushing or other potable water sources, but not including a discharge from water line disinfection by superchlorination or other means**

EXHIBIT "A"
SUMMARY NO. 3365

unless it contains no harmful quantities of chlorine (e.g., typically less than one PPM chlorine) or any other chemical used in the line disinfection;

- (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 - (7) A discharge or flow from a diverted stream flow or natural spring;
 - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20) to the MS4;
 - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain (not including groundwater dewatering systems);
 - (11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
 - (12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (13) A discharge or flow from individual residential car washing, non-commercial car washing, or limited fund-raising car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) A discharge or flow from swimming pools (if dechlorinated—typically less than one PPM chlorine);
 - (18) A discharge or flow from dye testing, provided verbal notification thereof is provided to the public works director or his designee prior to initiation of the dye testing; and
 - (19) A discharge or flow specified in writing by the public works director or his designee as being necessary to protect public health and safety.
- (c) No affirmative defense shall be available under subsection (b) if the discharge or flow in question has been determined by the public works director or his designee to be a source of a pollutant or pollutants to the waters of the state or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice. The correctness of the determination by the public works director or his designee that a discharge is a source of a pollutant or pollutants to the waters of the state or to the MS4 may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 5-202. - Illicit discharges—Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 5-201.

EXHIBIT "A"
SUMMARY NO. 3365

- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes, or contributes to causing, the parish to violate a water quality standard or the parish's LPDES permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce, or cause, allow, or permit to be introduced, any of the following substances into the MS4:
- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste, including grass clippings;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle or equipment, including a truck, bus, or heavy equipment, by a business or public entity;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
 - (10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
 - (11) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (12) Any fire protection water containing oil or hazardous substances or materials;
 - (13) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (14) Any contaminated runoff from a vehicle wrecking;
 - (15) Any substance or material that will damage, block, or clog the MS4;
 - (16) Any release from a PST, or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all state and federal standards and requirements;
 - b. No discharge containing harmful quantity of any pollutant; and
 - c. No discharge containing more than fifty parts per billion of benzene; five hundred parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen mg/l of total petroleum hydrocarbons (TPH);

EXHIBIT "A"
SUMMARY NO. 3365

- (17) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (18) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil or petroleum product or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed; and
- (19) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, land disturbance, or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

Sec. 5-203. - Illicit connections.

- (a) The construction, use, maintenance, and continued existence of illicit connections to the MS4 are prohibited. No person shall connect a line conveying sanitary sewage, domestic, commercial, or industrial wastewater to the MS4; nor shall any person use, maintain, or allow such a connection to continue.
- (b) Illicit connections include, but are not limited to floor drains and/or lines conveying wastewater from washing machines, sanitary sewers, commercial vehicle washing, and steam cleaning to the MS4.
- (c) The prohibitions provided in this section expressly include, without limitation, any illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time initially connected. A person is considered to be in violation of this article if the person connects to a previously existing illicit connection or allows such a connection to continue.

Secs. 5-204. - Reserved.

DIVISION 5. - STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Subdivision I. - General

Sec. 5-205. - General requirements.

Any person applying for a building permit from the OSP for a project involving the disturbance of one acre or more, or that is part of a development involving the disturbance of one acre or more, shall certify that (a) a site specific SWPPP has been developed for the site in accordance with OSP requirements and any land clearing, grading, excavation, or other land disturbance activities at the site shall be in accordance with such SWPPP, and (b) all state LPDES permit requirements related

EXHIBIT "A"
SUMMARY NO. 3365

to stormwater discharges associated with construction activities will be met. Refer to current specific LPDES permit for site applicability and other requirements.

- (1) All operators of construction sites one acre or above or part of a development that is over one acre shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the state, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, land disturbance, and other construction activities to the maximum extent practicable. Such best management practices may include, but are not limited to, the following measures:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of sediments and pollutants from the site to the extent feasible;
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of sediments and other windblown waste from the site;
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the state;
 - e. Providing general good housekeeping measures to (i) prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming pollutant sources for stormwater discharges, (ii) prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and (iii) assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
 - f. Implementation of proper waste disposal and waste management techniques, including providing waste containers and covers for waste materials, minimizing ground contact with hazardous chemicals and trash, and providing appropriate sanitary facilities for site workers and visitors;
 - g. Timely maintenance of vegetation, erosion, and sediment control measures and other best management practices in good and effective operating condition; and
 - h. Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the

EXHIBIT "A"
SUMMARY NO. 3365

site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

- (2) Clearing, grading, excavation, and other land disturbance activities, except that is necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized. Final stabilization measures shall be initiated as soon as practical upon the completion of construction activities.
- (3) A copy of the SWPPP shall be provided to the OSP upon request, and shall be available for review on the construction site at all times during construction. The SWPPP shall include:

 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, clearing, grading, excavation, utilities, and infrastructure installation, etc);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grading, excavation, and/or other activities;
 - d. A description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges, as more fully described in subsection (1) above;
 - e. A description of interim and permanent stabilization practices for the site; and
 - f. A description of design requirements. (Clearing, grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site, to the satisfaction of the public works director or his designee.)
- (4) The construction phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Soil stockpiles must be stabilized or covered during times of inactivity or upon completion of construction activities.
- (5) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the applicable LPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.
- (6) The parish may require any plans and specifications that are prepared for the construction of site improvements to fully illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The parish may deny approval of any building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the

EXHIBIT "A"
SUMMARY NO. 3365

best management practices described in the plans or observed upon site inspection by the parish are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. The parish also may revoke any previously issued building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that any certification made pursuant to the initial paragraph of this section is false.

- (7) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this division.
- (8) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard or the parish's LPDES permit for discharges from the MS4.
- (9) Based on the results of the inspections required by subsection (5), the site plans and specifications, BMPs, and the SWPPP shall be revised as appropriate, but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one calendar day following the inspection. The SWPPP shall be retained on the premises of the construction site at all times and made available to the parish upon request. Upon inspection by the parish, the parish either shall approve that portion of the work completed or shall notify the operator to the extent that the work fails to comply with the SWPPP.
- (10) Upon final stabilization of the construction site, the owner, or the owner's duly authorized representative, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 5-206. - Site applicability.

Persons engaging in construction activities, including clearing, grading, excavation, and other land disturbance activities, that result in the disturbance of one acre or more, or that are part of a development involving the disturbance of one acre or more, shall comply with the requirements of this division.

Secs. 5-207. - Reserved.

Subdivision II. - Post-Construction Erosion and Sedimentation Control

Sec. 5-208. - Post-construction erosion and sedimentation control.

Owners and operators, including developers and property owners, shall use and maintain appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum so

EXHIBIT "A"
SUMMARY NO. 3365

that soil and other pollutants are not discharged to the MS4 or waters of the state nor onto an adjoining property or right-of-way. For example, vegetation, erosion, and sediment control measures, including the following installed structural measures, if any, should be used and maintained: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices.

Secs. 5-209. - Reserved.

DIVISION 6. - COMPLIANCE MONITORING

Sec. 5-210. - Right of entry: Inspection and sampling.

The parish shall have the right to enter the premises of any person discharging stormwater, wastewater, or any pollutant to the MS4 or to waters of the state within the parish to determine if the discharger is complying with all requirements of this article and with state or federal discharge permits, limitations, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of observation, inspection, sampling, monitoring, testing, surveying, examination and copying of records, and for the performance of any applicable additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit. No person shall obstruct, hamper, or interfere with any parish representative while carrying out his official duties.

- (1) Parish personnel shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards or other personnel so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing their responsibilities.
- (2) The parish shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary in the opinion of the authorized parish personnel to conduct sampling and/or monitoring of the discharger's operations and discharges.
- (3) The parish may require any discharger to the MS4 or waters of the state to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges and may specify the frequency and parameters of any such required monitoring.
- (4) The parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

EXHIBIT "A"
SUMMARY NO. 3365

- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this article.
- (7) If parish personnel have been refused access to any part of the premises from which stormwater, wastewater, or any pollutant is discharged, and parish personnel are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the public works director or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Secs. 5-211. - Reserved.

DIVISION 7. - PENALTIES AND ENFORCEMENT

Sec. 5-212. - Notice of noncompliance.

- (a) It is unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this article. The public works director or his designee shall deliver to the owner, operator, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this article, or any other violation of this article a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 5-214.
- (b) The notice of noncompliance shall identify the provision of this article that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the parish. The notice of noncompliance shall identify a compliance date that must be met and may require without limitation:

 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall be terminated;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) Payment of a fine to cover administrative and remediation costs; and
 - (5) The implementation of source control or treatment BMPs.
- (c) The public works director or his designee shall designate the time within which any illicit connection shall be removed. In setting the time limit for compliance, the public works director or his designee shall take into consideration:

EXHIBIT "A"
SUMMARY NO. 3365

- (1) The quantity and complexity of the work;
 - (2) The consequence of delay;
 - (3) The potential harm to the environment, to public health, and to public and private property; and
 - (4) The cost of remedying the damage.
- (d) If violations are not corrected within the time period set by the public works director or his designee, the violator shall be reported to the OSP. The OSP shall then stop all necessary inspections required for a building permit and/or certificate of occupancy. OSP inspections shall not recommence until the public works director or his designee has approved all required changes, including installation and maintenance of BMPs and updates to the SWPPP, or determined that any other violation that was noted in the notice of noncompliance has been adequately addressed. Moreover, as necessary in order to properly address any violations of this article, the parish may, inter alia, terminate the building permit and/or certificate of occupancy for the relevant site; disconnect any illicit connections to the MS4; and/or discontinue water service to the relevant site.

Sec. 5-213. - Cease and desist orders.

The public works director or his designee may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 5-214. A cease and desist order may direct the owner, operator, contractor, representative, and/or other person responsible for the violation of this article to take any of the following actions:

- (1) Immediately discontinue any prohibited discharge to the parish's MS4.
- (2) Immediately discontinue any other violation of this article.
- (3) Clean up the area affected by the violation.
- (4) Immediately cease any activity which may lead to a violation of the parish's LPDES permit or applicable water quality standards.

Sec. 5-214. - Delivery of notice.

Any notice of noncompliance, cease and desist order, or penalty assessment pursuant to the requirements of this article shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 5-216.
- (2) The notice shall state that the recipient may be liable for all costs incurred by the parish in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or delivery to the recipient by the United State Postal Service, via certified mail, return receipt requested, postage prepaid.

Sec. 5-215. - Penalties.

Any person violating any provision of this article may be punished by a fine imposed by the public works director according to the following schedule:

EXHIBIT "A"
SUMMARY NO. 3365

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

Every day any violation continues shall constitute a separate violation for purposes of this article. Unpaid fines shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the violator's property may be sought for unpaid fines that are final and no longer subject to review or revision. Fines shall be payable to St. Bernard Parish Government, Attention: Director, Department of Public Works, Chalmette, Louisiana 70043.

Sec. 5-216. - Administrative appeals.

(a) Administrative appeals. A party who has been issued a notice of noncompliance, a cease and desist order, or fine may administratively appeal the same by filing a written petition with the public works director within 15 days of receipt of the notice of noncompliance, cease and desist order, or fine. The petition shall be filed by hand delivery or by mail directed to: Public Works Director, 1125 East St. Bernard Highway, Chalmette, Louisiana 70043. The following information, at a minimum, shall be contained in the petition:

- (1) The name, address, telephone number, and signature of the party filing the appeal, and the name of the owner and operator of the facility if the appeal is being filed by an interested party other than the owner and operator of the facility.
- (2) The name, address, and telephone number of the regulated facility and a facility contact person if different from the party filing the appeal.
- (3) A description of the matter being appealed.
- (4) An indication of the appellant's status as an interested party.
- (5) A statement giving specific reasons why the appellant believes the decision of the public works director or his designee in issuing the notice of noncompliance or the cease and desist order or in imposing the fine is incorrect or does not comply with this article.
- (6) New or different documents, drawings, plans, or other material the appellant believes supports appellant's position.

(b) Hearing. The public works director or his designee shall (a) issue notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, and (b) conduct the hearing and take evidence. If the public works director' designee conducts the hearing, such designee shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the public works director for action thereon. At any hearing held pursuant to this section, testimony must be under oath. Hearing testimony shall be recorded stenographically if the party who has filed the appeal pays the costs of the same; otherwise, there shall be no recorded transcript of the proceedings. After the public works director has reviewed the evidence, he may issue an order to the person who received the notice of noncompliance or cease and desist order or fine regarding the matter appealed; such order may affirm, modify, or rescind the original notice of noncompliance, cease and desist order, or

EXHIBIT "A"
SUMMARY NO. 3365

assessment. Decisions of the public works director following any administrative hearing shall be final, shall be in writing, and shall be based on the full and complete written administrative record compiled by the department of public works with opportunity for input from the party requesting the appeal.

Sec. 5-217. - Judicial review.

A party aggrieved by any notice of noncompliance, cease and desist order, or fine issued or imposed by the public works director or his designee shall have the right of judicial review. Proceedings for judicial review must be instituted by filing a petition in the 34th Judicial District Court in and for the Parish of St. Bernard, Louisiana, within 30 days after receipt of notice of the notice of noncompliance, cease and desist order, or fine from the public works director or his designee or, if an administrative hearing is requested, within 30 days after receipt of the decision rendered by the public works director following such administrative hearing.

Sec. 5-218. - Compromise/mitigation of fines.

The public works director may at any time compromise and/or mitigate the amount of fines assessed for a violation of this article based upon an affirmative good faith showing by the violator that one or more of the following mitigating factors is applicable:

- (1) There were no significant previous violations and the facility has historically been in compliance.
- (2) The cause of the violation was due to an act of God, war, or third parties not associated with the facility.
- (3) The nature and gravity of the violation was not significant.
- (4) There have been good faith efforts by the violator to prevent future violations.
- (5) Payment of the full fine amount will create a real and verifiable danger of rendering the facility incapable of future operation.
- (6) There are other pertinent factors which, in the opinion of the public works director, are probative of the fact that the violation did not endanger the public safety, health, or welfare and did not jeopardize the integrity of the MS4.

Sec. 5-219. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties otherwise provided in this article, any condition caused or permitted to exist in violation of any of the provisions of this article may be a threat to public health, safety, and welfare. In which event, the public works director may declare such violation a public nuisance and may thereafter summarily correct such violation and abate or restore the affected property at the violator's expense. The public works director may also seek injunctive relief under section 5-220 to abate, enjoin, or otherwise compel the cessation of such public nuisance.

Sec. 5-220. - Injunctive relief.

If a person has violated or continues to violate the provisions of this article, the public works director or his designee may petition for a temporary restraining order and/or a preliminary and/or permanent injunction restraining the person from activities that would create further violations

EXHIBIT "A"
SUMMARY NO. 3365

and/or compelling the person to comply with this article and/or perform abatement or remediation of the violation.

Sec. 5-221. - Remedies not exclusive.

The remedies set forth in this article are not exclusive of any other remedies available under any applicable federal, state, or local law; and the parish may pursue such individual or cumulative remedies as it deems appropriate to address violations of this article.

Secs. 5-222. - Reserved.

DIVISION 8. - CITIZEN PARTICIPATION

Sec. 5-223. - Citizen reports of violations.

- (a) All citizens are encouraged to report to the parish any spills, releases, illicit discharges, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the state, and any other violation of this article of which they become aware.
- (b) All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three years. When necessary, complaints will be referred to the other appropriate local, state, or federal agencies.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3365

Introduced by: Administration on 4/5/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends CHAPTER 5 "BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES" to create "ARTICLE IX; STORMWATER" to amend 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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-009

Owner/Representative: Mr. Sterling J. Cardon

Property Address: 2200 Trio Street, Chalmette, LA 70043

Property Location: A certain piece of portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Current Site Area: 9,350 sq. ft. or 0.215 acres

Present Use: Single-family residential

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) Zone District

Proposed Zoning: R-3 (Multi-Family Residential) Zone District

Reason For Request: A zoning change to allow the conversion of the existing garage into a two-family residential structure.

I. Executive Summary:

Zoning Docket Z-2016-009 is a request for a zoning change from an R-1 (Single-Family Residential) zone district to an R-3 (Multi-Family Residential) zone district. The site is located at the corner of Trio Street and Calvo Street in Chalmette. The lots have a total area of 9,350 sq. ft. or 0.215 acres. The applicant is requesting for the zoning change to allow the conversion of the existing garage to a two-family residential building in addition to the existing attached primary single-family residence also located on the lot.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the lot size does not accommodate the intended density of Medium Density Commercial (12 units per acre or 1 unit per 3,630 sq. ft.). The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2016)

Image #2: Street View (Trio Street) of Subject Property



Source: Staff Photograph (03/09/2016)

Image #3: Street View of Subject Property



Source: Staff Photograph (03/09/2016)

Image #4: Street View (Calvo Street) of Subject Property



Source: Staff Photograph 03/09/2016)

B. Site Description

The subject site consists of two (2) lots of record located at the corner of Trio Street and Calvo Street in Chalmette. The subject property approximately has a total area of 9,350 sq. ft. or 0.215 acres. The primary single-family residence fronts Trio Street while the attached two-story garage fronts along Calvo Street with a large vacant rear yard forming the corner of Calvo Street and Culotta Street.

The following are current conditions relevant to this case:

- The existing meter pan located on the primary residence indicates three separate meters were once used, whereas only one meter is in place currently.
- Three existing parking spaces are provided; six spaces are required for three units. There is potential for three additional parking spaces to be located in the interior side yard off of Trio Street.
- The property currently has outstanding fines totaling \$2,650 with the Bureau of Administrative Adjudication (BAA).
- A cease and desist order was served to the applicant on 03/17/16 for the unpermitted work taking place at the property.

- The following deed restriction is associated with this property:

THIS PROPERTY IS SOLD AND CONVEYED SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

Any buildings to be constructed on said lot shall be set back not less than ten (10) feet from the front property line.

No residence or main building shall be erected on said lot to cost less than \$5,000.00.

Only one residence or building, except necessary and proper outbuildings and garages, shall be constructed on any lot in this subdivision.

Garages when detached from residence or main building shall be built in rear of lot, no trailer, tent, shack or barn shall be used on any residential site as a temporary or permanent residence.

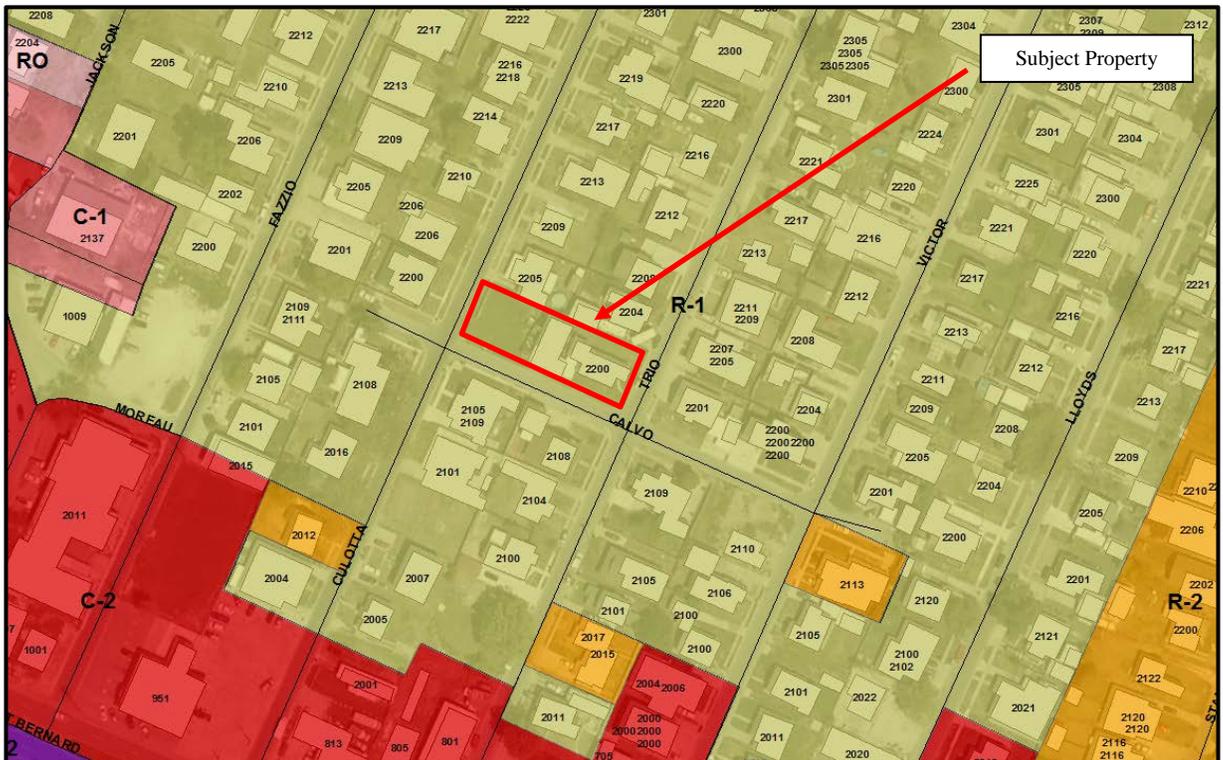
Unless public sewerage is provided, all sewerage shall be disposed of in septic tanks of a standard design, according to regulations of the Parish and or State Board of Health.

PARCEL #: 22J-029.00-003.00

C. Surrounding Land Uses and Zoning

As shown in Image #4 below, the subject property is located within an R-1 (Single-Family Residential) zone district. The surrounding area is developed with single-family residential structures in all directions in an overall suburban setting.

Image #5: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to an R-1 (Single-Family Residential) zone district in order to allow the conversion of the existing garage to a two-family residential building in addition to the existing primary single-family residence also located on the lot.

The intent of the R-1 (Single-Family Residential) zone district is to allow low density residential residence found traditionally in suburban neighborhood settings.

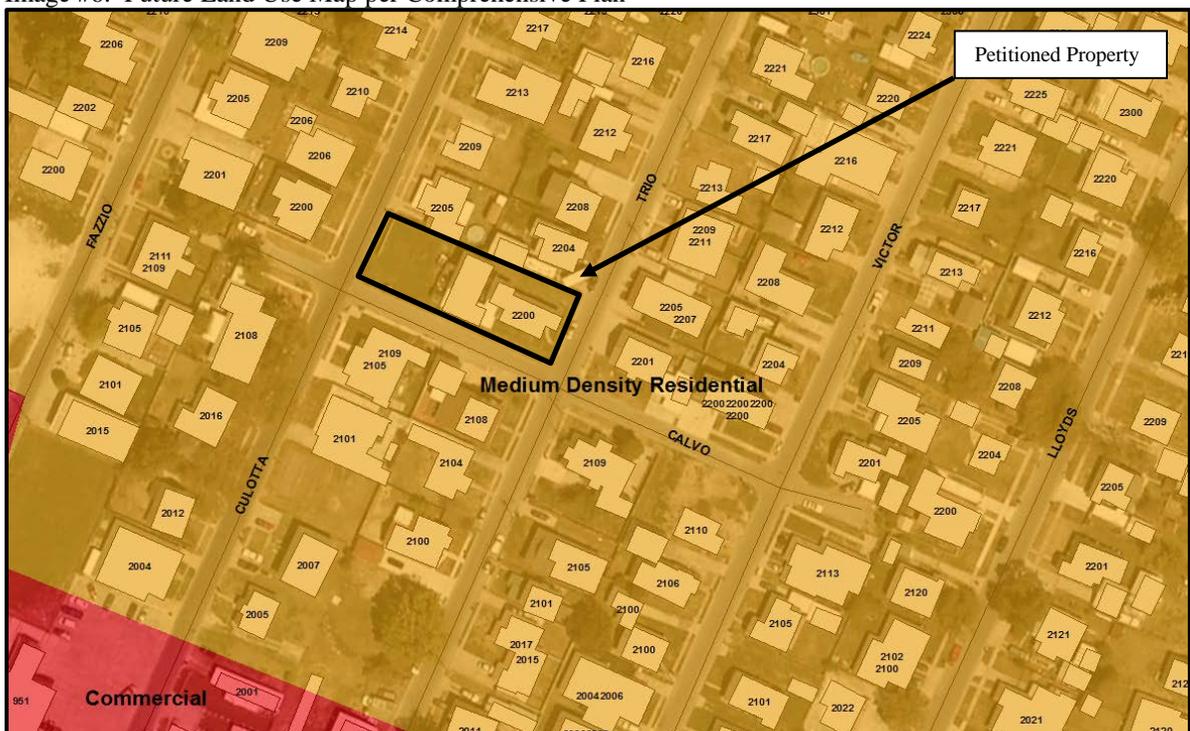
The staff believes that allowing a zoning change to R-3 (Multi-family Residential) zone district at the requested property to allow an additional two residential units will have a moderate impact of adjacent land uses in excess of existing conditions currently experienced in this neighborhood.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a subject property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting for the zoning change from R-1 (Single-Family Residential) to R-3 (Multi-family Residential) located completely within a predominate R-1 zone district.

III. Comprehensive Plan:

Image #6: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Commercial. The proposed rezoning is **inconsistent** with this designation due to the request's lot size versus proposed density. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-family Residential) zone district to R-3 (Multi-family Residential) zone district. Specifically listed, the proposed zoning change to allow a residential triplex aligns with the Land Use description for the Medium Density Residential designation, however, the existing lot size does not accommodate the proposed density requested under the Density description (12 units/acre or 1 unit per 3,630 sq. ft.) so therefore the zoning change would be **inconsistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-009 is a request for a zoning change from an R-1 (Single-Family Residential) zone district to an R-3 (Multi-Family Residential) zone district. The site is located at the corner of Trio Street and Calvo Street in Chalmette. The lots have a total area of 9,350 sq. ft. or 0.215 acres. The applicant is requesting for the zoning change to allow the conversion of the existing garage to a two-family residential building in addition to the existing attached primary single-family residence also located on the lot.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the lot size does not accommodate the intended density of Medium Density Commercial (12 units per acre or 1 unit per 3,630 sq. ft.). The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-009, a request for a zoning change from R-1 (Single-family Residential) zone district to R-3 (Multi-family Residential) zone district.

VI. Reason for Recommendation:

1. The proposed zoning change does not align with the Density description for the Medium Density Residential designation of Comprehensive Plan and would be considered a spot zone.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3364

Planning Commission made **NO RECOMMENDATION** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-009**, Petition Sterling J. Cardon, Jr. for a Zoning Change from "R-1 (Single Family Residential) to "R-2 (Two-Family Residential) zoning district" with the condition to allow the third apartment to be rented for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Property Location: 2200 Trio Street, Chalmette, LA 70043.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043*

Office: 278-4310 Fax: 278-4298



TO: ST. BERNARD PARISH PLANNING COMMISSION

FROM: DALE W. THAYER, ASSISTANT DIRECTOR

DATE : MARCH 30, 2016

CONDITIONAL USE REPORT - FINAL

Case Number: Z-2016-008

Owner/Representative: Chalmette Refinery, LLC

Property Address: 520 E. St. Bernard Hwy.

Property Location: Downriver side of Paris Road between St. Bernard Hwy. and the Mississippi River and on lease property B-3.

Current Site Area: 127.905 acres +/-

Present Use: Refining and Storage - Petroleum

Present Comprehensive Plan Designation: Industrial

Present Zoning: I-2 (Heavy Industrial)

Proposed Zoning: I-2 (Heavy Industrial) with Conditional Use

Reason For Request: A Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum.

I. Executive Summary:

Zoning Docket Z-2016-008 is a request for a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The subject site consists of several parcels bounded by Paris Road, St. Bernard Hwy., Mississippi River and Parcel B3. The entire site (Chalmette Refinery) consists of 127.905 acres +/- of land. Current operations at the petitioned property are defined as Refining and Storage – Petroleum in the Zoning Code.

The applicant proposes a 300' in diameter, 50' tall petroleum storage tank. The applicant states that the additional tank will not increase production at the site, rather allow for more operational flexibility. The tank will be sited approximately 300' from the front property line and 200' from any other storage structure in the East Tank Farm. The applicant states that all necessary infrastructure will be modified or constructed to accommodate for the proposed storage tank subject to local, State and Federal regulations.

The staff believes the proposed use would be compatible with the area. Despite the large scale of the proposed tank, it still fits within the even larger scale of the Chalmette Refinery site operations. However, the staff does recommend several conditions to mitigate the industrial appearance of the site. The staff also believes that due to its location in a historical Parish heavy industrial district, residential impact would be minimal as a result of the proposed use. The staff does however want a detailed study performed as to increased emission levels and effects on Parish Attainment status as a result of the expansion. Finally, the project is consistent with the St. Bernard Parish Comprehensive Plan.

The staff therefore recommends **APPROVAL** of the request and recommends standard conditions intended to address developmental and environmental standards.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date)

Image #2: Current Site Conditions (property fronting onto E. St. Bernard Hwy.)



Source: Staff Photograph

Image #3: Google Map – Street View (2011)



The petitioned storage tank (TK-D0311) will be utilized for the temporary storage of petroleum products as a part of the refinery’s site operations. TK-D0311 will be positioned behind an existing stand of trees that flank the proposed area along the northern and western boundaries followed by a retention pond. TK-D0311 will accompany adjacent tanks 309 and 310 to form a 637,000 sq. ft. containment area.

C. Surrounding Land Uses and Zoning:

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

Land Use and Zoning:

The petitioned site fronts onto E. St Bernard Hwy and is a part of a larger tract of land utilized for Chalmette Refinery site operations. The site is zoned I-2 (Heavy Industrial) district for all areas between E. St Bernard Hwy and the Mississippi River. To the north, the petitioned site is adjacent to an existing Louisiana Southern Railroad spur, State rights-of-way then followed by E. St Bernard Hwy itself. The site’s perimeter is also improved by an approximate 10’ in height chain link security fence. Along the north side of E. St Bernard Hwy., the zoning districts of R-1 (Single-Family), C-1 (Neighborhood Commercial) and C-2 (General Commercial) define the land use.

D. Design Review of Site Plan:

The applicant's request and provided documents, shown in the appendix of this report, will be assessed under the following criteria:

1. Harmony with the area (*Section 22-8-2.1*):

This area of St. Bernard Parish is historically utilized for Heavy Industrial uses such as Petroleum Storage and Refining, Port Ship Services and other maritime based industries.

The existing Chalmette Refinery site operation is primarily adjacent to existing State Highways, the Mississippi River and similar heavy industrial developments. This area consists of several large tracts of land utilized for the production and/or storage of petroleum based products. Single-family residential dwellings and Commercial structures are located within the area, the northern side of E. St. Bernard Hwy. The staff believes that the petitioned project would not alter or be in conflict with the essential character of the area as the petitioned tank will be located within the existing East Tank Farm.

2. Adequate access (*Section 22-8-2.2*):

The petitioned property fronts onto E. St. Bernard Hwy., which is a major State roadway for this area of the parish. The purposed actions are not expected to generate significant traffic demands on either the adjacent roadways or river.

3. Adequate infrastructure (*Section 22-8-2.3*):

As shown above and within the attached letter from the applicant, the site will improve and/or construct facilities to accommodate the proposed TK-D0311. The staff believes adequate infrastructure is in or will be in place for this activity, subject to operational standards permitted by local, State and Federal agencies.

4. Natural resource conservation (*Section 22-8-2.4*):

The applicant proposes a new storage tank in an area of the site the staff best describes as an aggregate surfaced lay-down (storage) yard. No loss of undeveloped land, wetlands, vegetation (trees) or existing retention ponding area will occur as a result of proposed TK-D0311. However, St. Bernard Parish has a history of air quality issues resulting from heavy industry. Specifically, the concentration of one or more criteria pollutants exceeding the regulated or 'threshold' level for one or more of the National Ambient Air Quality Standards (NAAQS). When these thresholds are exceeded, the area may be classified as a nonattainment area. The issue of nonattainment for the Parish concerns the staff. If the project were to be approved, the staff recommends a detailed study showing the impact of projected emissions as a result of the proposed tank on both the existing site's LDEQ Air and Water Discharge Permits and the Attainment Status of the Parish as a whole.

5. Compatible design (*Section 22-8-2.5*):

As stated above, the staff believes the proposed tank is appropriate for this area as it will be located within an existing Tank Farm. The proposed area is also flanked by a stand of trees that will help screen the structure from public view. However, proposed TK-D0311 will still be a looming structure at 50' in height and 300' in diameter. If the project were to be approved, the staff recommends the following conditions to help mitigate the visual impact on adjacent, non-industrial areas:

- Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
- TK-D0311 shall be painted in the color of *sky blue* or equivalent.

6. Public health, safety and welfare (*Section 22-8-2.6*):

The staff has not received comment from other municipal, state or federal agencies with regard to public health, safety and welfare as it relates to the petitioned projects. However, as shown above, the staff recommends that the applicant amends and receives approval for the site's LDEQ Air and Water Discharge Permit as well as a detailed study on emissions related to the additional storage tank.

Subject to these requirements above, the staff does not anticipate public health, safety and welfare being significantly impacted as result of this project.

7. Residential impact (*Section 22-8-2.7*):

As stated above, area residents may be visually impacted by the size of the structure. Because of this, the staff has recommended several conditions to assist in mitigating the visual impact of the tank. The applicant also states the production at the site will not increase as a result of the additional storage area.

E. Comments from other agencies, departments or committees:

No comments were received at the time of this report.

F. Special Considerations:

All perceived impacts are addressed in the design review section of this report.

III. Comprehensive Plan:

The Land Use Map of the Comprehensive Plan designates this area as Industrial. The proposed Conditional Use is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Industrial

Land Use: Heavy Commercial (vehicle/equipment), light industrial, heavy industrial (by conditional use).

The applicant is requesting a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The Industrial designation permits uses generally associated heavy industrial by Conditional Use.

On page 57 of the Comprehensive Plan, the following is stated concerning industrial appearance:

“Industry is important to the parish for employment as well as a tax base. However, industrial properties are a significant contributor to the negative appearance of the parish. Not only are many industrial properties in poor condition (broken windows, unclean, prominent storage of derelict equipment, rusted security fencing) but they are also highly visible.

The decorative fencing installed at the Valero Refinery frontage on St. Bernard Highway is a good example of the potential for attractive screening. The recent Port Authority building is a good example of quality industrial architecture in the parish.”

The staff believes the visual impact mitigation conditions will help in reducing the negative appearance addressed in the Comprehensive Plan.

For these reasons, the staff believes the request is **consistent** within the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-008 is a request for a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum. The subject site consists of several parcels bounded by Paris Road, St. Bernard Hwy., Mississippi River and Parcel B3. The entire site (Chalmette Refinery) consists of 127.905 acres +/- of land. Current operations at the petitioned property are defined as Refining and Storage – Petroleum in the Zoning Code.

The applicant proposes a 300’ in diameter, 50’ tall petroleum storage tank. The applicant states that the additional tank will not increase production at the site, rather allow for more operational flexibility. The tank will be sited approximately 300’ from the front property line and 200’ from any other storage structure in the East Tank Farm. The applicant states that all necessary infrastructure will be modified or constructed to accommodate for the proposed storage tank subject to local, State

and Federal regulations.

The staff believes the proposed use would be compatible with the area. Despite the large scale of the proposed tank, it still fits within the even larger scale of the Chalmette Refinery site operations. However, the staff does recommend several conditions to mitigate the industrial appearance of the site. The staff also believes that due to its location in a historical Parish heavy industrial district, residential impact would be minimal as a result of the proposed use. The staff does however want a detailed study performed as to increased emission levels and effects on Parish Attainment status as a result of the expansion. Finally, the project is consistent with the St. Bernard Parish Comprehensive Plan.

The staff therefore recommends **approval** of the request and recommends standard conditions intended to address developmental and environmental standards.

V. **Staff Recommendation:**

The staff recommended **APPROVAL** of Zoning Docket Z-2016-008, to permit a Conditional Use to allow the expansion of the existing petroleum storage and transfer facilities at the site with the addition of a 554,000 Oil Barrel (BBL) Above Ground Storage Tank (AST) – Petroleum.

On March 22, 2016 the Planning Commission **TABLED** the item in order to gain additional information regarding environmental management for the petitioned project. On March 29, 2016, a Special Planning Meeting was called and the Planning Commission recommended **APPROVAL** of Zoning Docket Z-2016-008, subject to the following five (5) conditions:

Conditions:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. 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 per Section 22-10-1.3(h) of the Zoning Code.
- ~~2. The applicant shall produce a detailed study showing the impact of projected emissions as a result of the proposed tank on both the existing site's LDEQ Air and Water Discharge Permits and the Attainment Status of the Parish.~~
2. Pile driving shall only occur between the hours of 7am and 7pm.
3. The applicant shall comply with all state and federal requirements including but not limited to the provisions of existing and/or permits for site operations.
4. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
5. TK-D0311 exterior shall be painted in the color of *sky blue* or equivalent.

VI. Reasons for Recommendation:

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended conditions and consist with Comprehensive Plan.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3363

Planning Commission recommended **APPROVAL** with conditions on 3/29/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-008**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

Parcels A1, A2, A3, B2 and Tract E of Section 5 and 6 of Township 13 South, Range 12 East of St. Bernard Parish, bounded by Paris Road, St. Bernard Highway, the Mississippi River and Parcel B3.

Property Location: 500 W. St. Bernard Highway, Chalmette, LA 70043.

The Planning Commission recommends APPROVAL with the following conditions:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. 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 per Section 22-10-1.3(h) of the Zoning Code.
2. The applicant shall comply with all state and federal requirements including, but not limited to, the provisions of existing and/or permits for site operations.
3. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.
4. TK-D0311 exterior shall be painted in the color of *sky blue* or equivalent.
5. Pile driving shall not occur outside of the hours of 7am-7pm.

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.

BY DIRECTION OF
Kerri Callais
KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-007

Owner/Representative: Mr. Ralph Menesses

Property Address: 400 E. Solidelle Street, Chalmette, LA 70043

Property Location: A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Current Site Area: 5,900 sq. ft. or 0.136 acres

Present Use: Vacant

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-2 (Two-Family Residential) District

Proposed Zoning: C-2 (General Commercial) District

Reason For Request: A zoning change to serve as a buffer between an adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

I. Executive Summary:

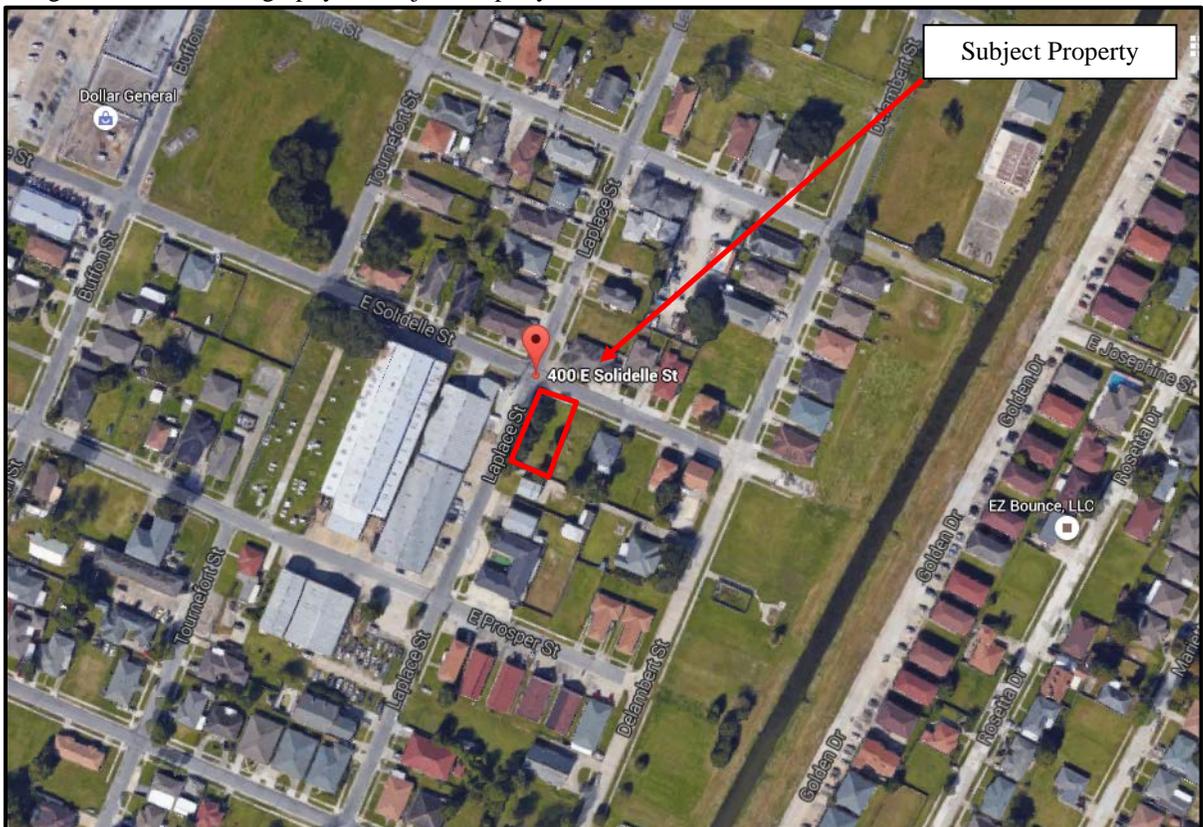
Zoning Docket Z-2016-007 is a request for a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district. The site is located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The lots have a total area of 5,900 sq. ft. or 0.136 acres. The applicant is requesting for the zoning change to serve as a buffer between the adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the proposed commercial nature does not align with the intent of this designation. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Subject Property



Source: Google Maps (Image Date 2016)

Image #2: Street View of Subject Property



Source: Staff Photograph (03/2016)

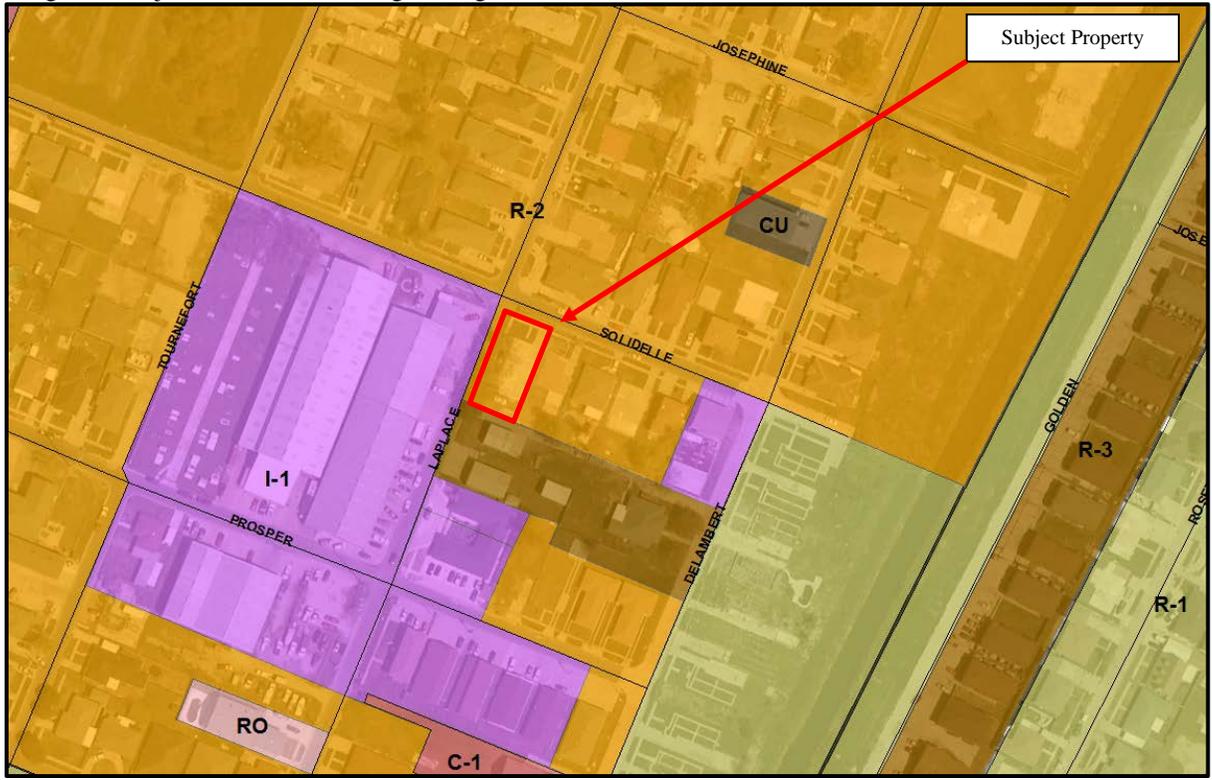
B. Site Description

The subject site consists of one (1) lot of record located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The subject property approximately has a total area of 5,900 sq. ft. or 0.136 acres. The lot is undeveloped.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the subject property is located in an R-2 (Two-Family Residential) zone district. Across the street (Laplace Street), an industrial marine repair business is operating, while a residential dwelling is located across E. Solidelle Street. An undeveloped lot is located immediately adjacent to the subject lot along E. Solidelle Street.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to a C-2 (General Commercial) zone district to serve as a buffer between an adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The intent of the R-2 (Two-Family Residential) zone district is to allow medium density residential dwellings found traditionally in suburban neighborhood settings.

The staff believes that allowing a zoning change to a C-2 (General Commercial) zone district at the requested property to allow those uses expressly allowed in the C-2 zone district will have a moderate impact of adjacent land uses in excess of overall existing conditions currently experienced in this neighborhood.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a subject property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district while located within an R-2 zone district. An I-1 (Light Industrial) zone district is located directly across the street (Laplace Street) along with an R-3 (Multi-Family Residential) zone district located to the rear of the lot along Laplace Street.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Commercial. The proposed rezoning is **inconsistent** with this designation as the proposed zone district does not align with the intent of the Medium Density Residential designation. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

IV. Summary:

Zoning Docket Z-2016-007 is a request for a zoning change from an R-2 (Two-Family Residential) zone district to a C-2 (General Commercial) zone district. The site is located at the corner of E. Solidelle Street and Laplace Street in Chalmette. The lots have a total area of 5,900 sq. ft. or 0.136 acres. The applicant is requesting for the zoning change to serve as a buffer between the adjacent I-1 (Light Industrial) zone district and R-2 (Two-Family Residential) zone district and to allow commercial uses.

The request is **inconsistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan as the proposed commercial nature does not align with the intent of this designation. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning district. Therefore, staff recommends **DENIAL** of the request due to the proposed zone district inconsistency with the Future Land Use Map of the Comprehensive Plan and its proposed spot zone nature.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-007, a request for a zoning change from R-2 (Two-Family Residential) zone district to C-2 (General Commercial) district.

VI. Reason for Recommendation:

1. The proposed zoning change does not align with the description for the Medium Density Residential designation of Comprehensive Plan and would be considered a spot zone.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3362

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-007**, Petition of Ralph Menesses for a Zoning Change from "R-2, (Two Family Residential)" to "C-2, (General Commercial)" zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Property Location: 400 E. Solidelle Street, Chalmette, LA 70043.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043*

Office: 278-4310 Fax: 278-4298



TO: ST. BERNARD PARISH PLANNING COMMISSION

FROM: ERIC TOLLE, RECOVERY PLANNER

DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-006

Owner/Representative: JTS Properties, LLC

Property Address: 1108/1110 Le Beau Street, Arabi, LA 70032

Property Location: The property is located on Lots 34 & 35, Friscoville Subdivision, Square 102

Current Site Area: 12,100 sq. ft. or 0.28 acres

Present Use: Multifamily structure (Lot 34); Undeveloped (Lot 35)

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) District

Proposed Zoning: R-2 (Two-Family Residential) District

Reason For Request: A zoning change to accommodate the existing multifamily structure (Lot 34) along with the abutting vacant lot (Lot 35) for a future two family residential development

I. Executive Summary:

Zoning Docket Z-2016-006 is a request for a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located just north of St. Claude Avenue on Le Beau Street in Arabi. The lots, when combined as a parcel, have total area of 12,100 sq. ft. or 0.28 acres. The applicant is requesting for the zoning change to conform with the existing multifamily structure and extend the same requested R-2 zoning to abutting vacant lot for future two family residential development.

The request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. However, staff recommends **APPROVAL** of the request due to the proposed zone district consistency with the Future Land Use Map of the Comprehensive Plan.

UPDATE: This case was heard at the January 26th, 2016 regular Planning Commission meeting as a rezone request to C-2 (General Commercial) from R-1 (Single-Family Residential) which was ultimately tabled by the Commission to give the applicant an opportunity to revise his request with staff.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2015)

Image #2: Street View of Petitioned Property



Source: Google Street View (05/2011)

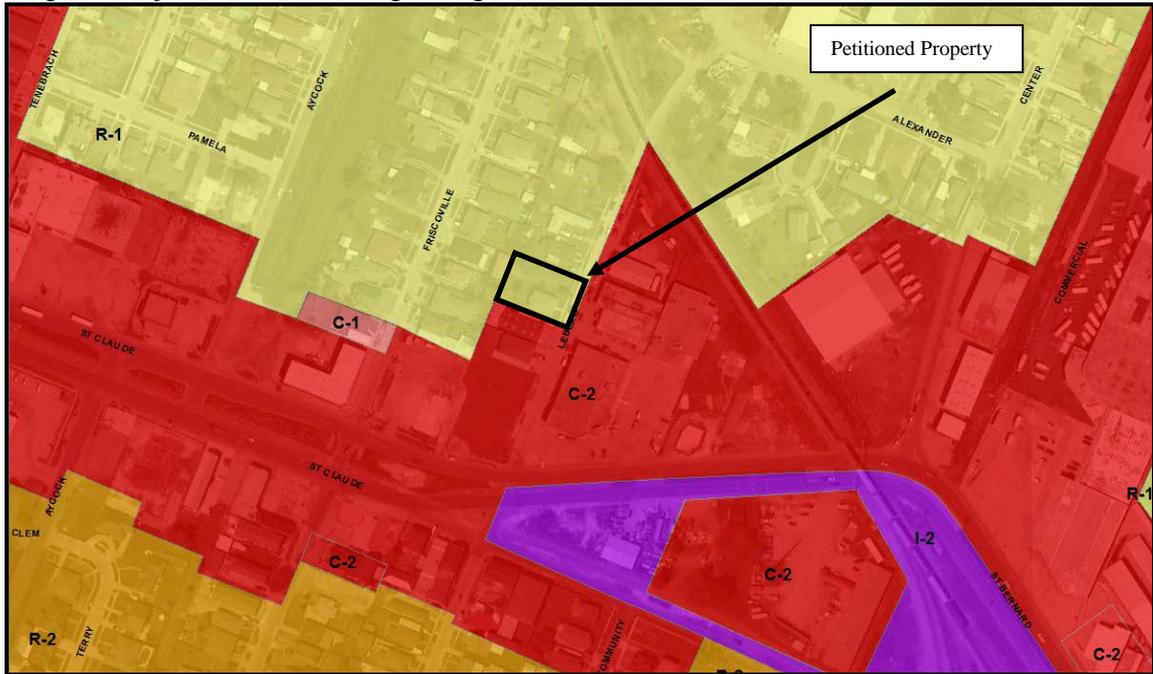
B. Site Description:

The subject site consists of two (2) lots of record (Lots 34 & 35) located just north of St. Claude Avenue on Le Beau Street in Arabi. Each of the two (2) individual lots measure approximately 50' in width by 121' in depth for a total area of 12,100 sq. ft. or 0.28 acres when combined as a parcel. As shown in Images #1 and #2 above, Lot 34 is currently developed with a two-story multifamily structure while adjacent Lot 35 remains undeveloped.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located within an R-1 (Single-Family Residential) district. The proposed lots abut a predominate C-2 (General Commercial) district that runs along the St. Claude Avenue corridor. The area is developed with active and inactive commercial structures in the C-2 (General Commercial) zone district and single family residential structures in the R-1 (Single-Family Residential) zone district.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to R-2 (Two-Family Residential) district in order to make the existing multifamily structure more conforming and allow further two family residential development on the vacant lot included in the zone change request. The petitioned property is immediately bounded by commercial and residential uses and zoning in all directions.

The intent of the R-2 (Two-Family Residential) district is to allow slightly higher density than normally permitted in single family residential districts.

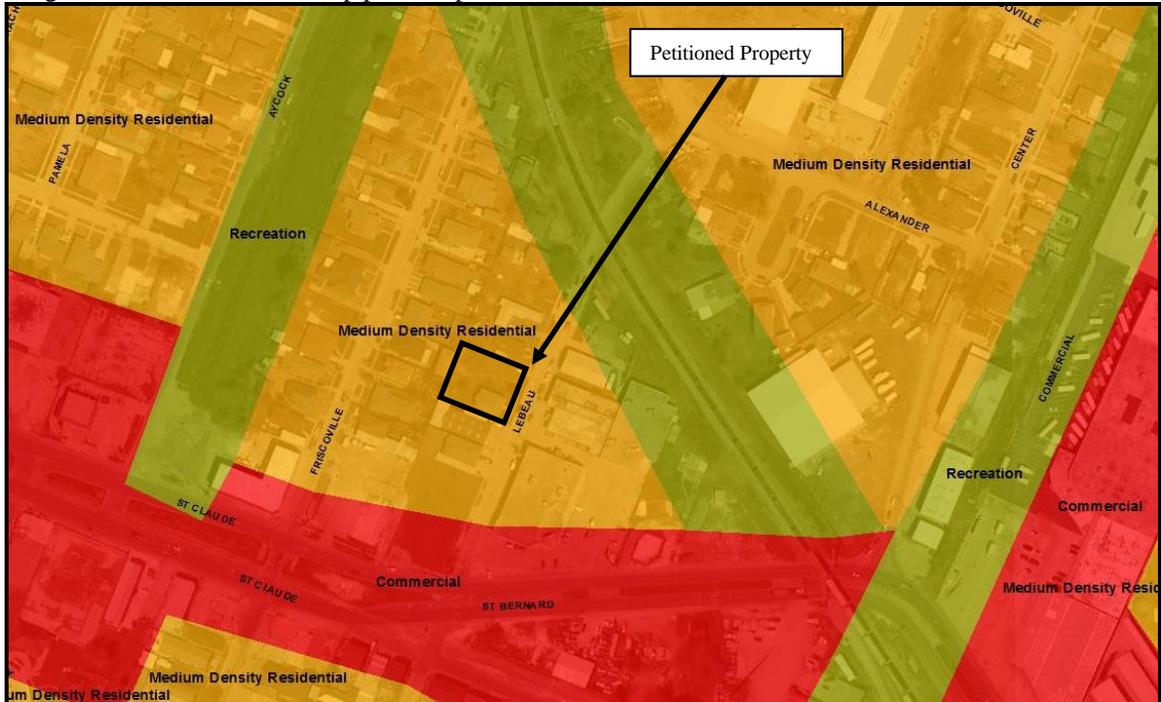
The staff believes that allowing a zoning change to R-2 at the petitioned property would not have a significant impact of adjacent land uses in excess of existing conditions currently experienced along St. Claude Avenue and that block of Le Beau Street due to the existing development and its proximity to the St. Claude Avenue commercial corridor.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a petitioned property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of two lots petitioning for the zoning change from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) to allow two family structure(s). The site abuts a major C-2 (General Commercial) zone district.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Residential. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

MEDIUM DENSITY RESIDENTIAL

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. Specifically listed, the proposed zoning change to incorporate the existing multi-family structure(s), and the future development plans to construct a two family residence on the abutting lot, would be included within the Land Use/Density description for the Medium Density Residential designation; therefore, the petitioned zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-006 is a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located on Le Beau Street just north of St. Claude Avenue in Arabi. The lots, when combined as a parcel, have total area of 12,100 sq. ft. or 0.28 acres. The applicant is petitioning for the zoning change to incorporate an existing multifamily structure and extend the same requested R-2 zoning to the abutting vacant lot for a future two family residential development.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. For this reason, the staff recommends **APPROVAL** of the request.

UPDATE: This case was heard at the January 26th, 2016 regular Planning Commission meeting as a rezone request to C-2 (General Commercial) from R-1 (Single-Family Residential) which was ultimately tabled by the Commission to give the applicant an opportunity to revise his request with staff.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

V. Staff Recommendation:

The staff recommends **APPROVAL** of Z-2016-006, a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district.

VI. Reason for Recommendation:

1. The proposed zoning change to allow the construction of a two family structure would be included within the Land Use/Density description for the Medium Density Commercial designation of Comprehensive Plan.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3361

Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-006**, Petition of JTS Properties, LLC for a Zoning Change from "R-1, (Single Family Residential)" to "R-2, (Two-Family Residential)" zoning district for the following described property:

Two certain lots of ground situated in the Parish of St. Bernard, Friscoville Subdivision, Sq. 102, designated as lots 34 and 35.

Property Location: 1108 – 10 LeBeau St., Arabi, La 70032.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-005

Owner/Representative: Mr. Kevin Williams

Property Address: 7820 E. St. Bernard Highway, Violet, LA 70092

Property Location: The property is located on Lot 1 and portion of Lot 2 of Poydras Plantation, Square 5, Townsite B at the corner of Goodwill Drive and E. St. Bernard Highway.

Current Site Area: 13,129 sq. ft. or 0.30 acres

Present Use: Vacant

Present Comprehensive Plan Designation: Commercial

Present Zoning: C-1 (Neighborhood Commercial) District

Proposed Zoning: C-2 (General Commercial) District

Reason For Request: A zoning change to allow an automobile dealership

I. Executive Summary:

Zoning Docket Z-2016-005 is a request for a zoning change from a C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district. The site is located on E. St. Bernard Highway and Goodwill Drive in Violet. The lots have a total area of 13,129 sq. ft. or 0.30 acres. The applicant is requesting for the zoning change to allow automobile sales.

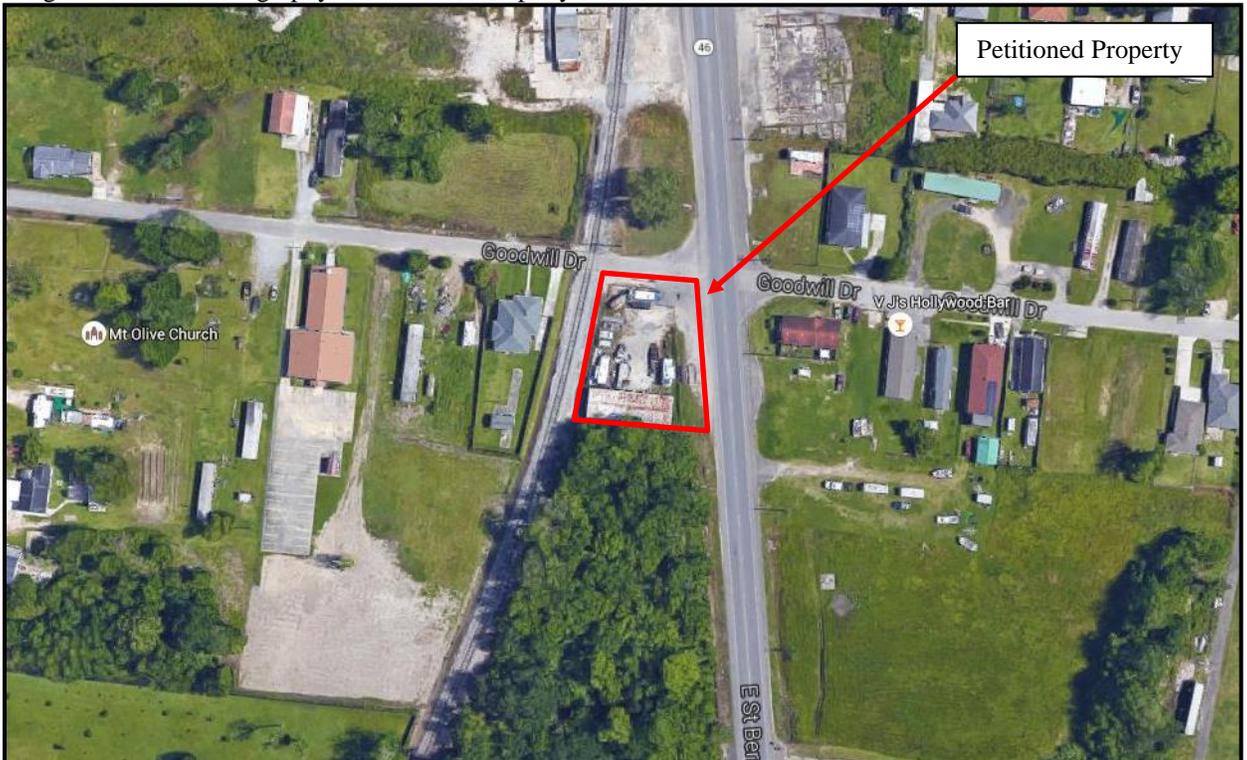
The request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. However, staff recommends **APPROVAL** of the request due to the proposed zone district consistency with the Future Land Use Map of the Comprehensive Plan.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2016)

Image #2: Street View of Petitioned Property



Source: Google Street View (10/2013)

B. Site Description:

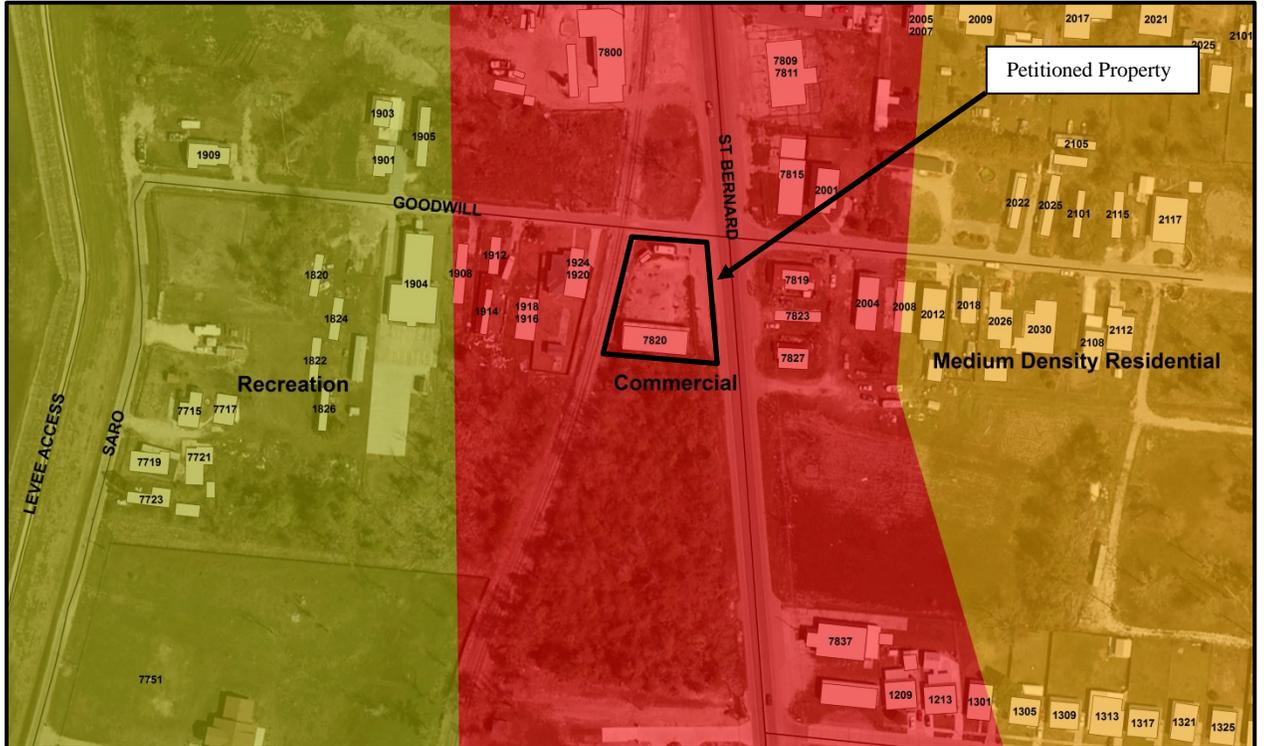
The subject site consists of two (2) lots of record located on E. St. Bernard Highway and Goodwill Drive in Violet. The subject property approximately has a total area of 13,129 sq. ft. or 0.30 acres when combined as a parcel.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located within a C-1 (Neighborhood Commercial) district. The surrounding area is developed with mostly active and inactive commercial structures running along E. St. Bernard Highway and residential structures along Goodwill Drive in an overall rural setting in a nearby R-1 (Single-Family Residential) zone district.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Commercial. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Commercial

Land Use: General commercial, retail, office, and multi-family residential

Density: 36 units/acre and 24-50 units/development

The applicant is requesting a zoning change from a C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district. Specifically listed, the proposed zoning change to allow automobile sales aligns with the Land Use/Density description for the Commercial designation; therefore, the requested zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-005 is a request for a zoning change from C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district. The site is located on E. St. Bernard Highway and Goodwill Drive in Violet. The property has total area of 13,129 sq. ft. or 0.30 acres. The applicant is petitioning for the zoning change to allow automobile sales.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan. For this reason, the staff recommends **APPROVAL** of the request.

V. Staff Recommendation:

The staff recommends **APPROVAL** of Z-2016-005, a request for a zoning change from C-1 (Neighborhood Commercial) district to C-2 (General Commercial) district.

VI. Reason for Recommendation:

1. The proposed zoning change aligns with the Land Use/Density description for the Commercial designation of Comprehensive Plan.

Table 1: Differences Between C-1 (Neighborhood Commercial) and C-2 (General Commercial) Zoning Districts

Retail and Service Uses	C-1	C-2	Automotive Uses	C-1	C-2
Grocery stores (Under 18,000 sq. ft.)	CU	P	Car Wash		P
Funeral home, mortuaries, morgues		P	Motor Vehicle Service and Repair, Minor	CU	P
Parking lots	CU	P	Motor Vehicle Service and Repair, Major		CU
Truck stops (3)		CU	Truck Repair		CU
General Office Uses	C-1	C-2	Motor Vehicle Dealerships (new or used)		P
Office	P (1)(2)		Gas Station	CU	P
Hospitals		P	Parking Structure	CU	P
Urgent care clinics		CU	Vehicle Impound Lot		CU
General Industrial Uses	C-1	C-2	Vehicle Storage Lot		CU
Wholesale establishments		P	Vehicle Operations Facility		CU
Warehouse storage		P	Agriculture and Residential Uses	C-1	C-2
Contractor Storage Yard		CU	Convalescent and nursing homes		P
			Single-family dwelling	P	
			Other Uses	C-1	C-2
			Drive-in theaters		P
			Amusement places		P
			Child care centers (3)	P	
			Sound stage/movie studio		CU

(1) 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.

(2) Office – General Business & Professional and Business & Professional Office Buildings are permitted in both C-1 and C-2 zoning districts.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3360

Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-005**, Petition of Kevin Williams for a Zoning Change from "C-1, (Neighborhood Commercial)" to "C-2, (General Commercial)" zoning district for the following described property:

One (1) certain parcel of land situated in the Parish of St. Bernard, Poydras Plantation, Square No. 5.

Property Location: 7820 E. St. Bernard Highway, Violet, LA 70092.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043
Office: 278-4310 Fax: 278-4298*



TO: ST. BERNARD PARISH PLANNING COMMISSION
FROM: ERIC TOLLE, RECOVERY PLANNER
DATE: MARCH 22, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-004

Owner/Representative: Mr. Albert Alvarez

Property Address: 2108 Walkers Lane

Property Location: The property is located on Lots 22, 23, 24 of Walkers Lane Subdivision, Square 1, and Section 2

Current Site Area: 5,700 sq. ft. or 0.13 acres

Present Use: Single-Family Residence

Present Comprehensive Plan Designation: Medium Density Residential

Present Zoning: R-1 (Single-Family Residential) District

Proposed Zoning: R-2 (Two-Family Residential) District

Reason For Request: A zoning change to allow the conversion of the existing single-family residence/daycare facility into a two family residence

I. Executive Summary:

Zoning Docket Z-2016-004 is a request for a zoning change from an R-1 (Single-Family Residential) district to an R-2 (Two-Family Residential) district. The site is located on Walkers Lane in Meraux. The lots have a total area of 5,700 sq. ft. or 0.13 acres. The applicant is requesting for the zoning change to allow the conversion of the existing single family residence into a two family residence. The property was previously approved for a Conditional Use Permit to operate a daycare which is no longer in operation.

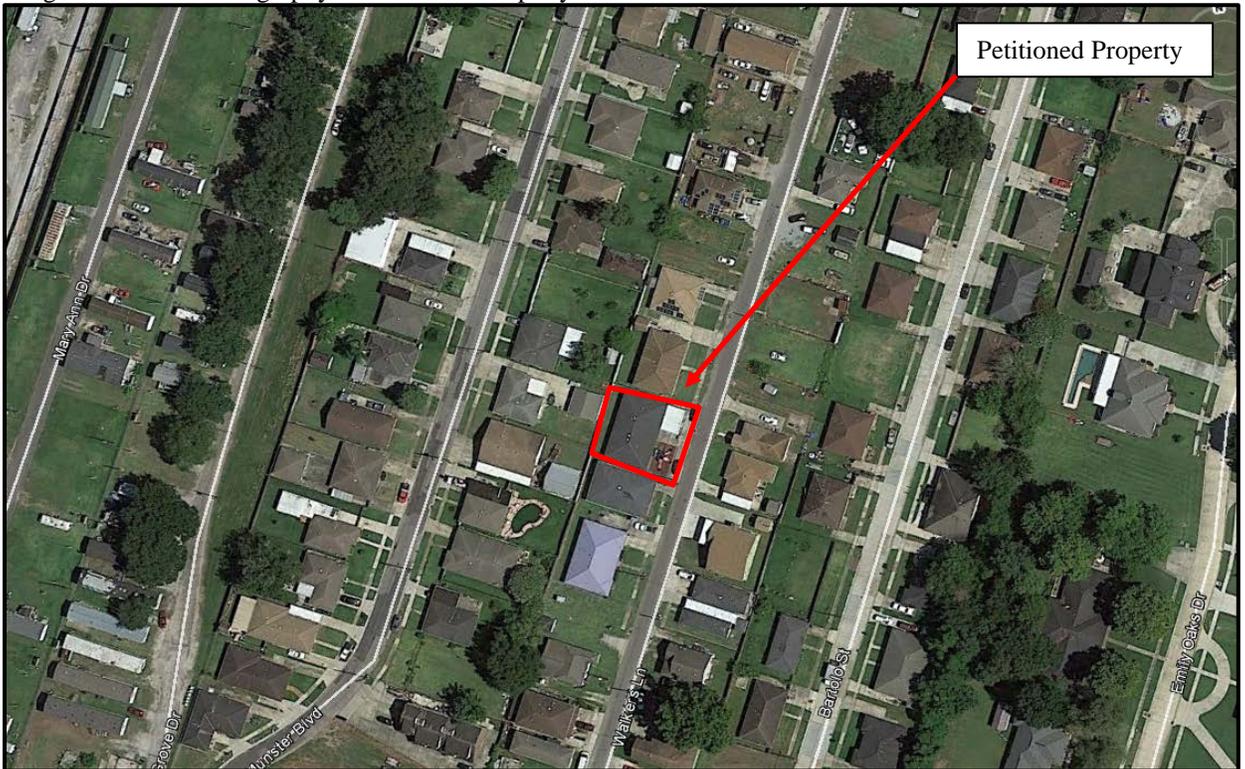
The request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan. The request would be considered a spot zone as it would not be an extension from an existing, adjacent zoning zone. Staff recommends **DENIAL** of the request due to the proposed zone district spot zone nature and its dissimilar characteristic of the existing neighboring single-family residences.

This case was originally scheduled to be heard at the February 23, 2016 Planning Commission meeting, however the meeting was cancelled due to inclement weather.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 08/25/15)

Image #2: Street View of Petitioned Property



Source: Google Earth Street View (04/2011)

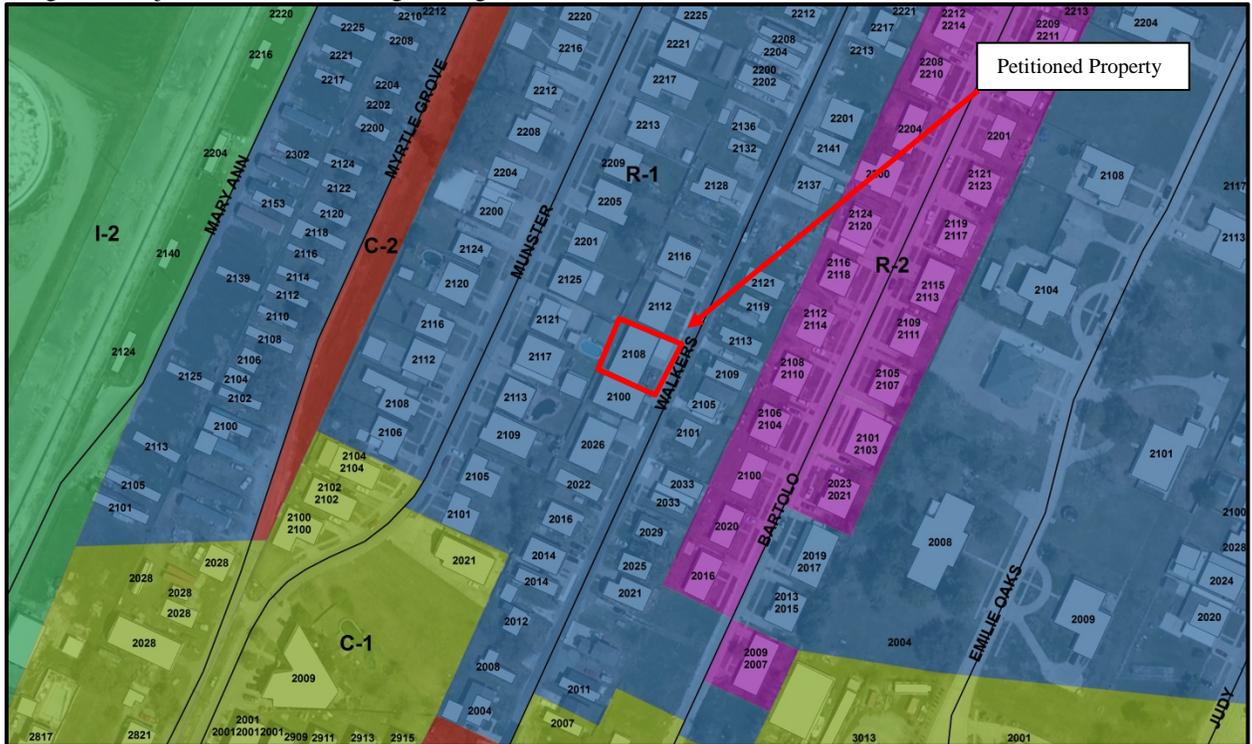
B. Site Description:

The subject site consists of three (3) lots of record located on Walkers Lane in Meraux. The subject property approximately has a total area of 5,700 sq. ft. or 0.13 acres when combined as a parcel. This site, including its front yard, is fenced in to accommodate a previous day care center which operated out of the residence. Playground equipment is present in the front yard.

C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located completely within an R-1 (Single-Family Residential) district. The surrounding area is developed with single-family residential structures in an overall suburban setting.

Image #3: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant requests the zoning change to an R-2 (Two-Family Residential) district in order to convert the existing single family residence into a two family residence.

The intent of the R-1 (Single-Family Residence) district is to allow low density residential uses found traditionally in neighborhood/suburban settings.

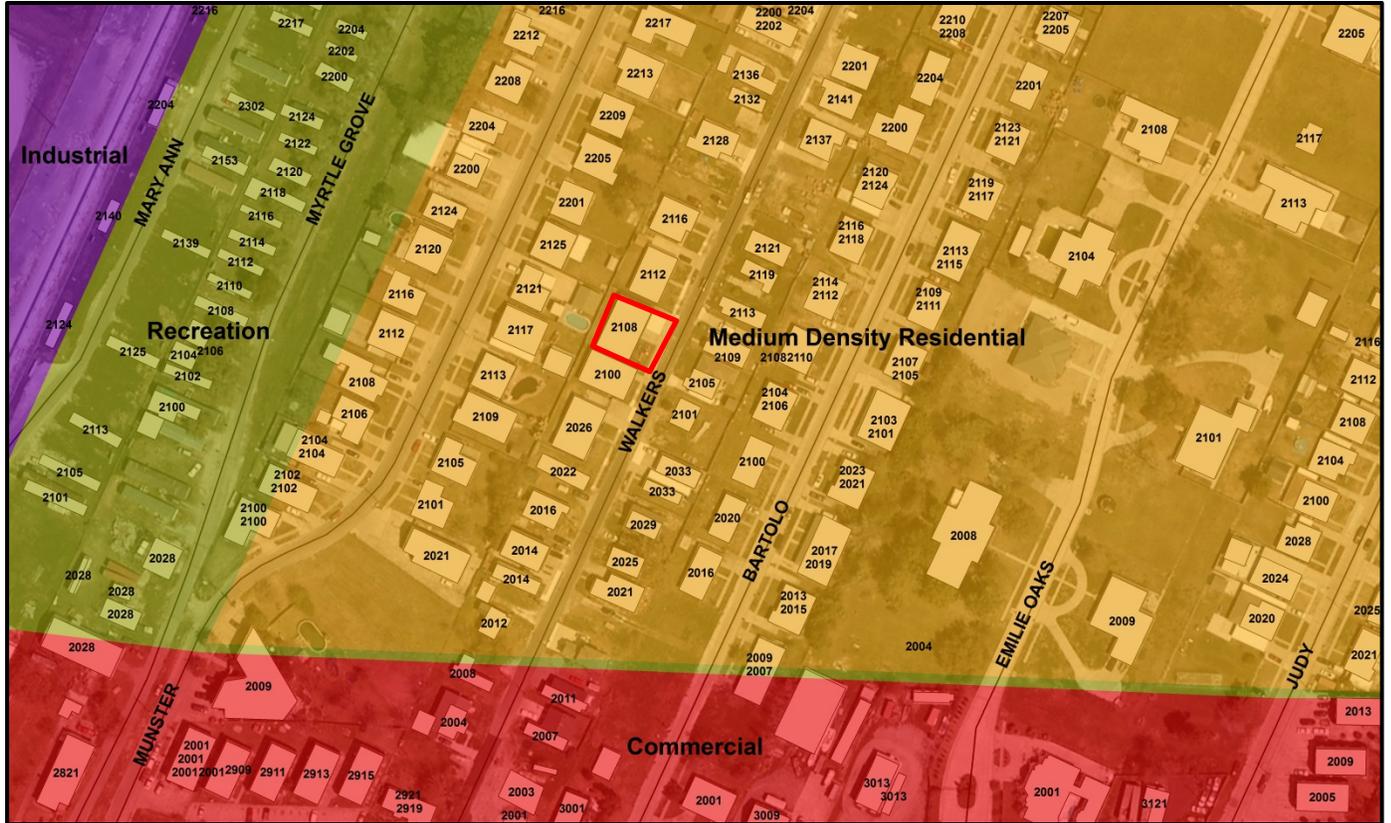
The staff believes that allowing a zoning change to R-2 at the requested property to allow a two family residence would not have a significant impact of adjacent land uses in excess of existing conditions currently experienced along Walkers Lane.

E. Can the request be considered a spot zone?

Yes. For a request to be considered a spot zone, a petitioned property would consist of a parcel that is singled out for treatment dissimilar to that of immediately adjacent lots. As shown above, the request consists of a property requesting for the zoning change from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) to allow a two family residence

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Medium Density Residential. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

Medium Density Residential

Land Use/Density: Single-family @ 4-5 units/acre
Small multi-family @ 12 units/acre and 4 to 12 units per development

The applicant is requesting a zoning change from an R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. Specifically listed, the proposed zoning change to allow automobile sales aligns with the Land Use/Density description for the Commercial designation; therefore, the requested zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-004 is a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district. The site is located on Walkers Lane in Meraux. The property has total area of 5,700 sq. ft. or 0.13 acres. The applicant is requesting for the zoning change to allow a two family residence. The property was previously approved for a Conditional Use Permit to operate a daycare which is no longer in operation.

The request consists of lots that would not be zoned the same as the adjacent zoning districts, therefore the request would be considered a spot zone.

The zoning request is **consistent** with the Land Use/Density description of Medium Density Residential in the Comprehensive Plan.

Staff recommends **DENIAL** of the request due to the proposed zone district spot zone nature and its dissimilar characteristic of the existing neighboring single-family residences.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2016-004, a request for a zoning change from R-1 (Single-Family Residential) district to R-2 (Two-Family Residential) district.

VI. Reason for Recommendation:

1. The proposed zone district is a spot zone in nature and is dissimilar in characteristic of the existing neighboring single-family residences.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, APRIL 19, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE APRIL 5, 2016 COUNCIL MEETING:

Summary No. 3369

Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-004**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Walkers Lane Subdivision, Section 2, designated as lot 22.

Property Location: 2104 Walkers Lane, Meraux, LA 70075.

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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR