



St. Bernard Parish Government

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David E. Peralta  
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REQUEST FOR VIEWING AND/OR RECEIVING PUBLIC RECORDS

Date: 11/10/14

Name: SARAH ROSENBLUM Phone #: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City/State Zip

Records requested: 2010 COMPREHENSIVE ZONING FOR  
ST. BERNARD PARISH

Date, time and location scheduled for viewing records: \_\_\_\_\_

I will pick up documents:  I would prefer to pay for the mailing of these documents: \_\_\_\_\_  
(Additional charge applies)

I agree to pay up to this amount \$ \_\_\_\_\_ for the information requested.

FOR OFFICE USE ONLY:

Received by: Margen Campo

Date/Time received: 11-10-14 11:45 AM

Cost: \_\_\_\_\_

Note: Anyone requesting records are required to pay \$.25 per page after the first four (4) pages and an additional \$1.00 per page to fax for every page requested and must be paid prior to receiving documents by fax or mail.

CHECK OR MONEY ORDER ONLY WILL BE ACCEPTED

## Chapter 22

### ZONING\*

An Ordinance prepared under the authority of Act 527 of the Legislature of Louisiana, 1962, and passed by the St. Bernard Parish Police Jury June 1, 1965, to regulate and restrict the height, number of stories, and size of all buildings, and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and for said purposes divide the parish into districts; to regulate and restrict the erection, structural alteration or use of buildings or land therein; to provide for the change of such regulations, restrictions and boundaries of zones; to provide for enforcement and to provide for the removal of nonconforming uses and to provide penalties for the violation of its provisions; all in accordance with and under the authority of the provisions of Act 527 of the Legislature of Louisiana, 1962, L.R.S., Title 33, Sections 4721—4730.

The St. Bernard Police Jury hereby ordains:

#### **Sec. 22-1. Adoption.**

For the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the Parish of St. Bernard, there shall be adopted and established this Zoning Ordinance of the Parish of St. Bernard, State of Louisiana.  
(Ord. of 6-1-65, § I)

#### **Sec. 22-2. Title.**

This Ordinance shall be known, referred to and cited as "The Comprehensive Zoning Ordinance of the Parish of St. Bernard, Louisiana."  
(Ord. of 6-1-65, § II)

#### **Sec. 22-3. Definitions.**

For the purpose of this chapter, certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

##### *22-3-1. Accessory Building and Accessory Uses:*

- (a) *Accessory building.* A structurally detached building, except by roof, subordinate to the principal building on a lot, the use of which is customarily incidental to that of the principal building and not used as a place of habitation. (Ord. No. OPC-6-89, 5-2-89)

\***Cross references**—Raising, keeping, etc., of large animals and fowl permitted in A-1 zone, § 4-7(d); locating swimming pools in rear or side yards, § 5-112; approval of cemetery plot plan by planning commission, § 6-8; mobile homes and mobile home parks, trailers and trailer parks, and house courts, tent camp spaces, etc., Ch. 12; planning and development, Ch. 18; parking airplanes, trailers, etc., in residential zones, § 20-144.1.

- (b) *Accessory use.* A subordinate use which is incidental to and customary or necessary in connection with the principally permitted use of a building or a principally permitted use, and which is located on the same lot with such principal building or use. (Ord. No. OPC-6-89, 5-2-89)

22-3-2. *Alley:* A way affording a secondary means of access to property abutting thereon.

22-3-2.1. *Amusement Places:* Establishments used solely by the public for recreational purposes that offer the use of electronic and video games, pool tables or any other mechanical devices for entertainment. Amusement places can only operate between the hours of 3:30 p.m. to 12:01 a.m. during the school year. Hours are not restricted on Saturday, Sunday, or summer vacation (when the St. Bernard Parish School System is not in operation). (Ord. No. 27-82, § 1, 9-14-82)

22-3-3. *Apartment:* A room or suite of rooms with culinary facilities, designed for or used as living quarters for a single family.

22-3-4. *Apartment Hotel:* A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments wherein is maintained an inner lobby through which all tenants must pass to gain access to the apartments, and catering to permanent and not transient tenants, and which may furnish services ordinarily furnished by hotels, such as drugstores, barbershops, cigar and newsstands and dining rooms, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign display visible from the outside of the building indicating the existence of such use.

22-3-5. *Apartment Houses:* See "Dwelling, Multiple-Family."

22-3-6. *Basement:* See "Cellar."

22-3-7. Reserved.

22-3-8. *Boardinghouse:* A building, other than a hotel, where, for compensation and by prearrangement for a definite period, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

22-3-9. *Buildings:* Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

22-3-10. *Building, Height of:* The vertical distance measured from the average elevation of the grade at the front of the building to the highest point of the coping of a flat roof; to the mean height level between eaves and ridge for gable, hip and gambrel roofs; and to the deck line of a mansard roof.

22-3-11. *Building Area:* The area of that part of the lot not included in the yards or open spaces herein required.

22-3-12. *Bulletin Board:* See "Signs, Advertising."

22-3-13. *Cafeteria*: A restaurant at which patrons serve themselves at a counter and take food to the tables to eat.

22-3-14. *Carport*: A canopy or shed, attached to the main building, open on two (2) or more sides, for the purpose of providing shelter for one (1) or more vehicles.

22-3-15. *Cellar*: An area below the first story having more than one-half of its height below grade and used for utilities, storage or garage [space] for occupants of the building, or janitor or watchman quarters. A cellar so used shall not be considered as a story.

22-3-15.1 *Children*: Individuals who are two (2) years of age through twelve (12) years of age.

22-3-16. *Clinic*: An establishment used by physicians, surgeons, dentists, physiotherapists, psychiatrists or practitioners in related specialties or a combination of persons in these professions where patients who are not lodged overnight are admitted for examination and treatment.

22-3-17. *Club*: Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is normally carried on as a business.

22-3-17.1. *Communication tower*: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications.

22-3-18. *Court*: An open space which may or may not have access and around which is arranged a single building or a group of related buildings.

22-3-18.1. *Day care center*: Any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of seven (7) or more children on a regular basis for at least twenty (20) hours in a continuous seven-day week.

22-3-19. *District*: Any section of the Parish of St. Bernard in which these zoning regulations are uniform.

22-3-20. *Dwelling Unit*: Any building or portion thereof which is designed for or used exclusively for residential purposes. For the purpose of this chapter, such dwelling unit shall have a minimum area of four hundred (400) square feet.

2-3-21. *Dwelling, Single-Family*: A building designed for and occupied exclusively by one (1) family.

22-3-22. *Dwelling, Two-Family*: A building designed for and occupied exclusively by two (2) families.

22-3-23. *Dwelling, Multiple-Family*: A building designed for and occupied exclusively by three (3) or more families.

22-3-24. *Extraction*: The removal from the premises of sand, gravel, shells, topsoil, minerals or other natural resources from a lot or a part thereof.

22-3-25. *Family*: Family: One (1) or two (2) individuals or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) individuals not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer individuals living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

22-3-26. *Farm*: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

22-3-27. *Filling station*: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, except that indoor car washing, minor motor adjustment and flat tire repair may be performed when incidental to the conduct of a filling station.

22-3-28. *Floor Area*:

- (a) *Commercial business and industrial*. The sum of the gross horizontal areas of the several floors of the main building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including:
- (1) Attic space providing less than seven (7) feet of headroom.
  - (2) Cellar space not used for retailing.
  - (3) Uncovered steps or fire escapes.
  - (4) Accessory water towers or cooling towers.
  - (5) Accessory off-street parking spaces.
  - (6) Accessory off-street loading areas.
- (b) *Residential*. The sum of the gross horizontal areas of the several floors of the dwelling, exclusive of garages, cellars and open or roofed porches measured from the exterior faces of the exterior walls of a dwelling.

22-3-29. *Frontage*: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

22-3-30. *Garage, Parking*: A building, land or portion thereof designed or used for the temporary storage of motor-driven vehicles, with or without the retail dispensing, sale or offering for sale of motor fuels, lubricants and tires, or indoor car washing, minor motor adjustment and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

22-3-31. *Garage, Private*: An enclosed space for the storage of not more than three (3) motor vehicles; provided, that no business, occupation or service is conducted for profit therein nor

space therein for more than one (1) motor vehicle is leased to a nonresident of the premises; and provided further, that not more than one (1) of the vehicles stored shall be a commercial vehicle of not more than two-ton capacity.\*

22-3-32. *Garage, Public:* A building, land or portion thereof, other than a private or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

22-3-33. *Garage, Storage:* An enclosed space for the storage of three (3) or more motor vehicles pursuant to previous arrangement, and not to transients, and at which automobile fuels and oils are not sold and motor vehicles are not equipped, repaired, hired or sold.

22-3-34. *Grade:* The elevation of the ground at a building or building site as established by the parish engineer.

22-3-34.1. *Hazardous Waste Facility:* Any area, structure, storage pit, storage tank, lagoon, treatment plant, disposal well and any other appurtenance and structure used for the storage or disposal of hazardous waste, except package sewage treatment systems in the unsewered portion of the parish, as defined in LAC 33:V, Chapter 49.

22-3-35. *Home Occupations:*

- (1) *Intent.* To provide peace, quiet, domestic tranquility within all residential neighborhoods, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas, the following is adopted:
- (2) *Definition.* An accessory use of a service character conducted within a dwelling by the resident thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the residential character thereof or have any exterior evidence of such secondary use other than allowed herein.
- (3) *Examples of home occupations.*
  - a. Dressmaking, sewing, tailoring;
  - b. Painting, sculpturing or writing;
  - c. Telephone answering;
  - d. Home crafts, such as model making, rug weaving and lapidary work;
  - e. Tutoring, limited to one (1) student at a time;
  - f. Home cooking and preserving (no catering);
  - g. Computer programming;
  - h. Secretarial service;
  - i. Other uses of a service character that would not be prohibited for reasons herein.

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\***Cross reference**—Parking of certain vehicles in residential areas in general and pickup trucks up to one-ton capacity in particular, § 20-144.1.

- (4) *Home occupations shall conform to the following standards.*
- a. That in no case shall more than fifteen (15) per cent of the floor area of dwelling be used for such home occupation, exclusive of any accessory building.
  - b. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
  - c. A small nameplate not more than four (4) inches in width and eighteen (18) inches in length is allowable.
  - d. The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited.
  - e. Merchandise shall not be displayed or offered for sale either within or outside of the residence.
  - f. The operation of any wholesale or retail business, unless it is conducted entirely by mail or a telephone for that purpose.
  - g. In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the zoning administrator may impose reasonable conditions necessary to protect the public health, safety, morals or welfare.
  - h. The zoning administrator or his designee shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.
- (5) *The following uses shall be prohibited as home occupations.*
- a. Medical or dental office including dental laboratory;
  - b. Dancing instruction;
  - c. Band instrument instruction groups;
  - d. Tea rooms;
  - e. Tourist homes (Bed and Breakfasts);
  - f. Beauty salons and barber shops;
  - g. Convalescent homes (five (5) or more individuals);
  - h. Mortuary establishments;
  - i. Restaurants;
  - j. Churches, religious instruction;
  - k. Health salons, gyms, aerobic exercise, studios, massage;
  - l. Veterinary uses (including care, grooming or boarding);
  - m. Stores.
- (6) *[Exterior evidence of a home occupation other than that allowed.] Any exterior evidence of a home occupation other than that allowed herein shall not be prescribed and shall*

be considered a violation of the zoning code. Exterior evidence of the home occupation shall include, but not be limited to unauthorized signage and customer traffic. If at any time the recipient of a home occupation license does not meet the definition of a home occupation, the certificate of zoning compliance shall be revoked ten (10) days after receiving official notification.

22-3-36. *Hospital*: A building or portion thereof designed or used for the diagnosis, therapeutic treatment or other case of ailments of bed patients who are physically or mentally ill.

22-3-37. *Hotel*: A building used as an abiding place of more than twenty (20) persons, who, for compensations, are lodged and offered the customary accessory services normally associated with hotels, including the serving of meals and alcoholic beverages. No provision is made for cooking in individual rooms or suites, and ingress and egress to and from all rooms is through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boardinghouse or an apartment, which are herein separately defined.

22-3-38. *Hotel, Apartment*: See "Apartment Hotel."

22-3-39. *Institution*: A building or group of buildings designed or used for the nonprofit, charitable or public service purposes of providing board, lodging or health care for persons aged, indigent or infirm, or for the purpose of performing educational or religious services and offering board and lodging to persons in residence.

22-3-40. *Junkyard*: The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

22-3-41. *Laundromat*: A business providing for the hire and use on the premises of home-type washing, drying and/or ironing machines.

22-3-42. *Light Manufacturing*: The manufacturing or processing of materials employing electricity or other unobjectionable motive power, utilizing hand labor or unobjectionable machinery or processes, and free from any objectionable odors, fumes, dirt, vibration or noise.

22-3-43. *Line, Street*: The dividing line between the street and the lot.

22-3-44. *Loading Space*: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

22-3-45. *Lodginghouse*: A building other than a hotel or apartment hotel where lodging for three (3) but not more than twenty (20) persons is provided for definite periods for compensation pursuant to previous arrangement.

22-3-46. *Lot*: A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including permitted buildings together with accessory buildings, the yard area and parking spaces required by this chapter.

22-3-47. *Lot, Corner*: A lot abutting upon two (2) or more streets at their intersection.

22-3-48. *Lot, Depth of*: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

22-3-49. *Lot, Interior*: A lot other than a corner lot.

22-3-50. *Lot, Through*: A lot having frontage upon two (2) approximately parallel streets. Also a lot of double frontage.

22-3-51. *Lot, Width of*: The average horizontal distance between side lot lines.

22-3-52. *Lot Lines*: The lines bounding a lot.

22-3-53. *Lot of Record*: A lot which is either part of a subdivision, the map of which has been recorded in the Office of the Clerk of the District Court of the Parish of St. Bernard, or a parcel of land which became legally established and defined by deed or act of sale prior to July 18, 1978.

22-3-54. *Main Building*: The principal building or buildings (where permitted) on a lot or tract which are used for, or within which is conducted, the principal use of the land.

22-3-55. *Major Street*: A street or highway shown as a major street upon the street plan of the Parish of St. Bernard.

22-3-55.1. *Mini-warehouse*: A structure which is used for the purpose of storing personal effects, such as household goods and clothing, or small retail merchandise, where individual compartments shall not exceed five hundred (500) square feet. (Ord. No. OPC-5-90, § 1, 6-5-90)

22-3-56. *Minor Street*: A street or highway not shown as a major street upon the street plan of the Parish of St. Bernard.

22-3-57. *Mobile Home*: See "Trailer."

22-3-58. *Mobile Home Park*: See "Trailer Park."

22-3-59. *Motel*: See "Tourist Court."

22-3-60. *Nonconforming Use*: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

22-3-61. *Nursing or Convalescent Home*: A building designed or used in whole or in part to provide, for compensation, the care of the ill, senile or otherwise infirm persons resident on the premises.

22-3-62. *Outdoor Advertising Signs*: See section 22-19.

22-3-63. *Parking Lot*: An open area which is used for the temporary parking of motor vehicles but is not a required off-street parking facility.

22-3-63.1 *Park*: Any public or private land available for passive recreational, educational, cultural, or aesthetic use.

22-3-64. *Parking Space*: An impervious, hard-surfaced area, enclosed in the main building or in an accessory building or unenclosed, having a rectangular area of not less than one hundred sixty (160) square feet, with a minimum width of eight (8) feet when unenclosed, or one hundred eighty (180) square feet with a minimum width of nine (9) feet when individually enclosed on two (2) or more sides, exclusive of driveways, permanently reserved for the storage of one (1) automobile, and connected with a street or alley by an impervious hard-surface driveway at least eight (8) feet in width providing unobstructed ingress and egress for motor vehicles.

22-3-65. *Place*: An open, unoccupied space other than a street or alley, permanently reserved as the way of access to abutting property.

22-3-65.1. *Playground*: An improved outdoor area designed, equipped, and set aside for children's play that is not intended for use as an athletic playing field or athletic court, and shall include all playground equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures. A play area as an accessory use to a person's residential property which includes equipment shall not be considered as a playground.

22-3-65.2. *Playground equipment*: A fabricated structure intended primarily for play by children located at a playground which has at least one (1) surface designated and intended for play by children and which is anchored to or built into the ground and not intended to be moved.

22-3-66. *Restaurant*: A retail establishment offering food or beverages, or both, for consumption on the premises. Restaurants do not include barrooms, nightclubs or lounges.

22-3-66.5. *Riverboat gaming establishment*: Water craft licensed and/or authorized by the State of Louisiana to be used for gaming operations.

22-3-67. *Roominghouse*: See "Lodginghouse."

22-3-68. *School, Trade or Industrial*: An establishment, public or private, offering training to students in skills required for the practice of trades and in industry.

22-3-69. *School, Business*: Privately owned schools offering instruction in accounting, secretarial work, business administration, the fine or illustrative arts, trades, dancing, music and similar subjects.

22-3-70. *School, Private*: Privately owned schools having a curriculum essentially the same as ordinarily given in a public elementary or high school. The term includes day nurseries and kindergartens.

22-3-71. *Service Station*: A building, structure or land used for dispensing, sale or offering for sale at retail any automobile fuels, lubricants or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

22-3-72. *Shopping Center*: A group of retail stores, planned and designed for the site upon which they are built.

22-3-73.—22-3-78.i; Sign Definitions: See section 22-19.

22-3-79. *Stable, Private*: An accessory building for the housing of not more than two (2) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

22-3-80. *Stable, Public*: A stable with a capacity for the housing of more than two (2) horses or mules, which stable may be operated for remuneration, hire, sale or stabling.

22-3-81. *Story*: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

22-3-82. *Street*: A public or private thoroughfare affording the principal means of access to abutting property.

22-3-83. *Street Line*: The line dividing a lot, tract or parcel of land and a contiguous street. Also, street right-of-way line.

22-3-84. *Structure*: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences and pagodas.

22-3-85. *Structural Alteration*: Any change or rearrangement in the bearing walls, partitions, columns, beams, girders, exit facilities, exterior walls or roof of a building, excepting such repair as may be required for the safety of the building, or an enlargement, whether by extending on a side or by increasing in height, or movement of the building from one (1) location or position to another.

22-3-86. *Theater, Drive-In*: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid-admission basis to patrons seated in automobiles or on outdoor seats.

22-3-87. *Tourist Court*: A group of attached or detached buildings designed, constructed or under construction or alteration for guest rooms or dwelling units intended primarily for automobile transients, each unit having a separate entrance opening out-of-doors or into a foyer, with parking space appropriately located on the lot for use by guests of the court, the operation of such court to be supervised by a person in charge at all hours. Tourist courts include auto courts, motels, motor courts, motor hotels and motor inns.

22-3-88. *Tourist Home*: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

22-3-89. *Trailer*: Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or

skirtings, and which has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.

22-3-90. *Trailer Park*: An area providing spaces where one (1) or more auto trailers can be or are intended to be parked, with flush toilet and bathing facilities provided on the site. Also "trailer camp."

22-3-90A. *Truck Stop*: A structure or land use primarily for the retail sale of fuel for trucks and incidental service or repair of trucks including but not limited to: attendance eating, and truck parking facilities, but not to include the storage of vehicles for the purpose of using parts of such vehicles for sale or repair. Such a facility may include video poker gaming, but only if such a facility is on a site of at least ten acres and meets the criteria listed in Section 22-5-6 General Commercial C-2.

22-3-90.1. *Waste Facility*: Any area, structure, storage pit, storage tank, lagoon, treatment plant, disposal well and any other appurtenance and structure used for the storage or disposal of waste, except package sewage treatment systems in the unsewered portion of the parish, as defined in LAC 33:VII.501.

22-3-91. *Welfare Agency*: An organization, public or private, offering professional social work services to individuals or groups.

22-3-92. *Yard*: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of structure from the ground upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be the yard dimension.

22-3-93. *Yard, Front*: A required yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the maximum permissible main building. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

22-3-94. *Yard, Rear*: A required yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum permissible main building. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

22-3-95. *Yard, Side*: A required yard between the main building and the side lot lines and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and a side of the maximum permissible main building.

22-3-96. *Tenant Dwelling*: A residential structure located on a bona fide farm and occupied by a nontransient farm worker employed by the farm owner for work on the farm. (Ord. of 6-1-65, § III; Ord. No. 21-81, 6-16-81; Ord. No. 27-82, § 1, 9-14-82; Ord. No. OPC-5-90, § 1, 6-5-90; Ord. No. OPC-12-90, 11-13-90; Ord. No. OPC-13-90, 12-4-90; Ord. No. SBPC-51-

01-93, 1-19-93; Ord. No. SBPC-273-06-96, 6-25-96; Ord. No. SBPC-360-12-97, § III, 12-2-97; Ord. No. SBPC-460-07-00, § I, 7-18-00; Ord. No. SBPC 475-11-00, 11-18-00; Ord. No. SBPC 523-03-02, § I, 3-19-02; Ord. No. SBPC-701-01-07, § 1, 1-4-07)

**Sec. 22-4. District and land-use regulations.**

22-4-1. *Establishment of districts.* For the purpose of promoting the public health, safety, morals and general welfare of the Parish of St. Bernard, Louisiana, said parish is hereby divided into the following types of districts:

A-1 Rural District

R-1 Single-Family Residential District

R-1(MS) Residential District

R-1(M) Residential District

R-2 Two-Family Residential District

R-3 Multiple-Family Residential District

(PUD approval required on Multi-family of four (4) or more units)

R-4 Mobile Home Trailer Parks

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Highway Commercial District

I-1 Light Industrial District

I-2 Heavy Industrial District

G-1 Government 1 (Temporary holding zone for properties acquired through the Louisiana Land Trust (LLT) program)

22-4-2. *Boundaries of districts.* The boundaries of the various districts are shown upon maps entitled "Official Zoning Maps, St. Bernard Parish, Louisiana." The zoning district maps, contained herein, together with all the notations, references and other information thereon, are made a part of this chapter and have the same force and effect as if fully set forth or described herein. The official zoning maps cover the entire jurisdictional area of the Parish of St. Bernard, Louisiana, and shall be properly attested and placed on file in the office of the Clerk of Court of the Parish of St. Bernard.

22-4-3. *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning district maps, the following rules shall apply:

- (a) Where district boundaries are indicated as following streets, highways or alleys, the centerlines of such streets, highways, alleys or canals shall be construed to be such boundaries.

- (b) Where the land has been or may hereafter be divided into blocks and lots, and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (c) In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps.
- (d) Unless otherwise indicated, the depth of commercial districts along highways or major streets shall be determined by the depth of the first tier of lots having frontage on such streets or highways and existing at the time of the passage of this [Zoning Ordinance of June 1, 1965]; provided, that such depth shall not exceed two hundred fifty (250) feet. In instances of unsubdivided parcels or through lots, the depth of the commercial district on the highway or major streets is two hundred (200) feet.
- (e) Where boundaries are indicated as following watercourses and other natural topographic features, such lines, or centerlines of said features, shall be construed to be such boundaries.

*22-4-4. Regulations of areas under water.* All areas within the corporate limits of the Parish of St. Bernard, Louisiana, which are under water and not shown as included within any district shall be subject to all of the regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water in a straight line until they intersect.  
(Ord. of 6-1-65, § IV; Ord. No. SBPC-626-08-05, § 1, 8-2-05; Ord. No. SBPC-898-09-08, § I, 9-9-08; Ord. No. SBPC-974-04-09, § 1, 4-7-09)

**Sec. 22-5. General provisions.**

*22-5-1. Use of building or land.* Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

*22-5-2. Size and location of buildings.* Except as hereinafter provided, no building shall hereafter be erected or altered:

- (a) To accommodate or house a greater number of families;
- (b) To exceed the height;
- (c) To occupy a greater percentage of lot area; or
- (d) To have narrower or smaller rear yards, front yards, side yards, inner or outer courts

than is specified herein for the district in which such building is located.

*22-5-3. Yard area.* No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

22-5-4. *One main building to a lot.* Every building or structure hereafter erected shall be located on a lot of record and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this chapter. (See section 22-9, Exceptions and Modifications, subsection 22-9-3, paragraph (b), for more than one (1) main building.)

22-5-5. *Vacation of streets and public ways.* Whenever any street, alley or other public way is vacated by official action of the governing body of the Parish of St. Bernard, the zoning district adjoining each side of such street, alley or public way shall automatically extend to the center of same and all area included therein shall then become subject to all appropriate regulations of the extended districts.

22-5-6. *Schedule of zoning district regulations.* The schedule of regulations and the notes appended thereto, included herewith as Figure 1, applying to the uses of land and buildings, the height, the coverage of lots, the yards and other open spaces to be provided contiguous to or in connection with buildings, the area of lots, off-street parking space, and all other matters contained therein, as indicated for the various districts established by this chapter, are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter. The regulations listed for each district as designated reading from left to right across the Schedule, and in all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of sections 22-5 and 22-7 of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Figure 1. SCHEDULE OF NONRESIDENTIAL ZONING DISTRICT REGULATIONS										
ZONING DISTRICTS	USES*					MINIMUM LOT AREA	MAXIMUM HEIGHT OF MAIN BUILDING	MINIMUM YARDS		
	PERMITTED	PERMITTED AS EXCEPTION BY BOARD OF ADJUSTMENT	PERMITTED CONDITIONAL USE	PERMITTED SIGNS	FRONT DEPTH			TOTAL	MINIMUM PER SIDE	REAR
A-1 RURAL	All uses permitted within "R" Residential, "C" Commercial and "I-1" Industrial Districts, however, I-2 Heavy Industrial uses must comply with the conditions specified below:	Private utilities, railroads, temporary commercial amusements, airports	Communication towers, new and existing nonresidential developments 50,000 square feet and over, substantially sized lots	SEE TEXT FOR REGULATIONS	6,500 Square Feet (See I-3 Multiple Family District for Square Feet Requirements with a minimum lot frontage of sixty (60) feet	35 ft	20 ft	3 ft	20% of lot depth not required to exceed 25 ft	See Exceptions and Modifications
C-1 NEIGHBORHOOD COMMERCIAL	Same as R-3 plus retail stores, business and professional offices, business schools, day care centers, children's nurseries or early school, personal service shops, restaurants, retail manufacturing, exterminating services, filling stations, parking garages & lots, studios, fix-it shops, laundromats, mini-warehouses, similar establishments for the convenience of neighboring residents, trailer courts & parks, tourist courts	Same as A-1	Same as A-1	SEE TEXT FOR REGULATIONS	Same as R-3 for Dwellings	35 ft	None (See Exceptions & Modifications)			
C-2 GENERAL COMMERCIAL	Same as C-1 plus funeral homes, all offices, all retail & wholesale uses, warehouses, storage & public garages, drive-in theatres, amusement places, auto care services and auto sales, and customary accessory uses incidental to the above uses when located on same lot	Same as A-1	Same as A-1 Truck stops (See Special Criteria for the C-2 General Commercial District)	SEE TEXT FOR REGULATIONS	Same as R-3 for Dwellings	2 times the width of street it abuts, the wider street in case of corner lots, but not to exceed 100 ft	None (See Exceptions & Modifications)			Dwelling same as R-3 None for commercial or industrial uses except as required under Exceptions and Modifications
C-3 HIGHWAY COMMERCIAL	Same as C-2 plus barrooms, nightclubs, lounges,	Same as C-2	Same as C-2 plus pain management/urgent care clinics	SEE TEXT FOR REGULATIONS	Same as C-2	Same as C-2	Same as C-2			
I-1 LIGHT INDUSTRIAL	For uses permitted in I-1 the Light Industrial District, see the corresponding notes following this Figure 1	Same as A-1	Same as A-1	SEE TEXT FOR REGULATIONS	Same as R-3 for Dwellings	150 ft	None (See Exceptions & Modifications)			
I-2 HEAVY INDUSTRIAL	For uses permitted in the I-2 Heavy Industrial District, see the corresponding notes following this Figure 1	Same as A-1	Communication towers	SEE TEXT FOR REGULATIONS	None	Unlimited				None for commercial or industrial uses except as required under Exceptions and Modifications

Figure 1. SCHEDULE OF NONRESIDENTIAL ZONING DISTRICT REGULATIONS									
ZONING DISTRICTS	USES*				MINIMUM LOT AREA	MAXIMUM HEIGHT OF MAIN BUILDING	MINIMUM YARDS		
	PERMITTED	PERMITTED AS EXCEPTION BY BOARD OF ADJUSTMENT	PERMITTED CONDITIONAL USE	PERMITTED SIGNS			FRONT DEPTH	SIDE TOTAL	MINIMUM PER SIDE
G-1 Government 1	<p>(1) This district is established to be a temporary holding zone for properties acquired through Louisiana Land Trust (LLT) program and all properties received by St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission from the LLT program</p> <p>(2) Allowable uses are all G-1 properties shall be held without further use until such time that the property is appropriately rezoned for its intended public or private use. Upon the declaration of conveyance or use of a G-1 property said property shall automatically revert to its zoning classification which it held immediately prior to the G-1 zone, unless, prior to its conveyance or use for private use, a zoning change is requested by resolution of the St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission to the St. Bernard Parish Council</p> <p>(3) Properties converted to a G-1 zone classification and used for public purposes shall be rezoned in accordance with all current zoning requirements, unless such use is consistent with the zoning class that such property held immediately preceding its G-1 classification, as referenced in Item No. (2) above</p>								

See section 22-6 for off-street parking and loading requirements  
Riverboat gaming establishments are permitted in A-1 and C-3 districts as a conditional use as well as in 1-2 districts

**Figure 1. SCHEDULE OF RESIDENTIAL ZONING DISTRICT REGULATIONS**

ZONING DISTRICTS	USES*				MINIMUM BUILDING HEIGHT	MINIMUM YARDS			
	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES	MINIMUM LOT AREA/SIZE		FRONT DEPTH	SIDE		REAR
							TOTAL	MINIMUM PER SIDE	
R-1 Single-Family Residential	Single-family dwellings, parks, playgrounds, home occupations, and police and fire stations	<ol style="list-style-type: none"> <li>Noncommercial swimming pools, tennis courts and other similar private noncommercial outdoor recreational facilities.</li> <li>Private garages and storage sheds</li> <li>Private gardens and nurseries</li> <li>Dish antennas</li> </ol>	<ol style="list-style-type: none"> <li>Churches, Sunday School and parish houses, temples, and any other recognized and/or established houses of worship.</li> <li>Cemeteries, crematories, columbariums, mausoleums, including annual burial grounds.</li> <li>Public and private schools for academic instruction, including trade, business and industrial schools</li> <li>Libraries and museums.</li> <li>Outdoor commercial and non-commercial recreational facilities, such as golf courses, public swimming pools, athletic playing fields and/or athletic courts, riding stables and fishing lakes, and any uses substantially similar</li> <li>Kindergartens, nursery schools and child care centers for 4 or more children when accessory to a church or school as permitted herein. A fenced and screened play area shall be provided which shall contain not less than 25 sq. ft. per child</li> <li>Community centers</li> <li>Substandard sized lots</li> </ol>	6,500 sq. ft. per family with a minimum lot frontage of sixty (60) feet	20 ft. See Exceptions & Modifications	10 ft.	3 ft.	20% of lot depth, not required to exceed 25 ft.	
R-2 Two-Family Residential	Same as R-1 plus two-family dwellings.	Same as R-1 zone.	Same as R-1 zone	3,000 sq. ft. minimum per side per family for two-family dwellings. 6,500 sq. ft. per family for single-family dwellings with a minimum lot frontage of sixty (60) feet	20 ft. See Exceptions & Modifications	10 ft.	3 ft.	20% of lot depth, not required to exceed 25 ft.	

Figure 1. SCHEDULE OF RESIDENTIAL ZONING DISTRICT REGULATIONS									
ZONING DISTRICTS	USES*			MINIMUM LOT AREA/SIZE	MAXIMUM BUILDING HEIGHT	MINIMUM YARDS			
	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES			FRONT DEPTH	TOTAL SIDE	REAR	
R-3 Multiple-Family Residential	Same as R-2 zone plus multiple-family dwellings, apartment hotel, boardinghouses and lodginghouses, convalescent and nursing homes	1 The permitted accessory uses in the R-1 zone 2 A laundry room for use of occupants of a multiple-family dwelling development 3 An office containing an area of not more than 5% of the gross floor area of the development located in a main building, for administration of a multiple-family developments	1. Same as R-1 zone 2. Clubs and lodges	See subsection 2-9-3	35 ft.	18 ft. See Exceptions & Modifications	10 ft	5 ft	10% of lot depth, not to exceed 15 ft
R-1(MS) Mobile Home Subdivision Residential	Single-family mobile home dwellings, parks, playgrounds, home occupations, and police and fire stations.	Same as R-1 zone	Same as R-1 zone	6,500 sq ft. with a minimum lot frontage of sixty (60) square feet.	35 ft	See Exceptions & Modifications	16 ft	8 ft	10 ft
R-1(M) Single-Family Dwelling & Mobile Home Residential	Same as R-1 and R-1(MS)	Same as R-1 zone	Same as R-1 zone	6,500 sq ft per family, with a minimum lot frontage of sixty (60) feet	35 ft	20 ft (See Exceptions & Modifications) 10 ft. for mobile homes	10 ft	3 ft	20% of depth, not to exceed 25 ft 10 ft. for mobile homes
R-4	Mobile home trailer parks	None	None	3,500 sq ft with 30-ft minimum width	35 ft.	See Exceptions & Modifications	12 ft	6 ft	20% of depth, not to exceed 25 ft
R O	See text of this section for district regulations								

Amended October 19, 1965, Docket 2-65.

\*In computing the lot area for any given number of units, the computation is one of cumulative progress. That is, start with a base of 6,000 square feet for four (4) units and proceed upward through each category until the desired number of units is reached or until available square footage is exhausted

**NONRESIDENTIAL USES ALLOWED IN THE A-1 RURAL DISTRICT**

Nonresidential uses allowed in the C-1, Neighborhood Commercial; C-2, General Commercial; I-1, Light Industrial and I-2, Heavy Industrial Districts will be allowed in the A-1, Rural District.

**SPECIAL CRITERIA FOR THE C-2 GENERAL COMMERCIAL DISTRICT**

- (1) Truck stops shall be allowed as a special permitted use with the criteria outlined in this section approved by the St. Bernard Parish council as per section 22-5-6, permitted conditional use.
- (2) Consists of five (5) developed contiguous acres and sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts of eighteen-wheel tractor trailers.
- (3) Located adjacent to a major state highway or interstate highway.
- (4) The property line of the establishment shall be located two thousand five hundred (2,500) feet away from any residential zoning district, school, church, park or recreation area. Additionally, no residential zoning district shall be developed within two thousand five hundred (2,500) feet of an approved truck stop facility.
- (5) It must have an on-site restaurant with all of the following features:
  - a. Provides seating for at least fifty (50) patrons;
  - b. Provides full table service for sit down meals;
  - c. Open twenty-four (24) hours a day;
  - d. Offers a varied menu.
- (6) Stable parking area of at least one hundred seventy thousand (170,000) sq. ft., providing at least one hundred (100) eighteen-wheel tractor trailer parking stalls. Such parking shall adhere to the following:
  - a. Standard truck parking space size shall be 15' × 70' with a 70' travel aisle.
  - b. Ten (10) per cent of the truck parking spaces shall be 15' × 75' with a 70' travel aisle.
  - c. The parking and vehicular use area shall be of sufficient size to allow for safe ingress and egress with a minimum access of eighty (80) feet at the roadway intersection.
  - d. Truck parking and access to truck parking must be separated from all other vehicular uses.
  - e. Parking areas located around business entrance ways and exits shall not constitute parking area for eighteen-wheelers.
- (7) Diesel and gasoline fuel facilities that meet all building codes and fire safety codes.
- (8) On-site services facilities for eighteen-wheel tractor-trailers.

- (9) Must be owned or leased by a person with a Class A general retail permit or a Class A restaurant permit to serve or sell alcoholic beverages for on-premises consumption.
- (10) The sign regulations shall be the same as those set in section 5-12, et seq of the St. Bernard Parish Code of Ordinances.
- (11) A twenty-foot landscape buffer design, approved by the department of community development, between the property line and any abutting more restrictive zoning district shall be provided.
- (12) Structures, except fences, and parking or vehicular use areas must meet a twenty-foot setback from all property lines.
- (13) Have four (4) of the following amenities:
  - a. A separate trucker's lounge.
  - b. A full service laundry facility located in a convenient area for trucker's use.
  - c. Private showers for men and women and not located in an area open to general public restroom facilities.
  - d. A travel store with items commonly referred to as truckers supplies.
  - e. Truck scales.
  - f. Separate truckers' telephones.
  - g. Permanent storage facilities for fuel.
- (14) A traffic plan showing ingress and egress approved by the department of public works and the LA Department of Transportation and Development.
- (15) Lighting must be provided in parking areas and access ways to buildings. Parking area lighting must be oriented inward so not to intrude on abutting property. Sixty (60) feet is the maximum height for lighting. All parking areas and all parts of parking area must be fully illuminated.
- (16) The proper number of off-street parking spaces for the land uses included in the development shall be provided in accordance with off-street parking and loading regulations, in addition to the required truck parking.

**USES PERMITTED IN I-1 LIGHT INDUSTRIAL AND  
I-2 HEAVY INDUSTRIAL DISTRICTS**

In order to provide for certain uses which, because of their unique characteristics, cannot be properly classified in a particular zoning district, the police jury, under the provisions of section 22-9 shall authorize the following conditional uses:

**I-1 LIGHT INDUSTRIAL ZONE REGULATIONS**

*Principal Permitted Uses:*

- (a) General light industry, warehousing and storage uses, including certain open or enclosed storage of products, materials and vehicles.

- (b) Those uses and other similar uses contained in the list below, including wholesale establishments, service industries, and light industries that manufacture, process, store, and distribute material refined elsewhere.
- (c) Manufacturing, compounding, processing, packaging or treatment, unless otherwise stipulated, of the products or similar products contained in the list below.

All permitted uses or activities are subject to the performance standards of section 22-9-10.

- (1) All activities permitted in C-2 zones.
- (2) Dwelling for resident watchmen and caretakers employed on the premises.
- (3) Farm dwellings and accessory farm buildings.
- (4) Agriculture or farm implements.
- (5) Animal pound.
- (6) Animal, poultry and bird raising, commercial.
- (7) Beverage, blending, bottling (all types), but not distilling.
- (8) *Reserved.*
- (9) Candy, wholesale (manufacturing permitted).
- (10) Carbon paper and inked ribbons manufacture.
- (11) Cigar and cigarette manufacture.
- (12) Cleaning and dyeing of garments, hats and rugs.
- (13) Condensed and evaporated milk, processing and canning.
- (14) Contractor's shop and storage yard.
- (15) Creamery and bottling operations.
- (16) Dairy products.
- (17) Exterminating chemical manufacturing.
- (18) Fireplace logs.
- (19) Fish, shrimp, oysters and other seafood, processing, packing or storing, except fish curing or smoking.
- (20) Fruit and vegetable processing (including canning, preserving, drying and freezing).
- (21) Fur finishing.
- (22) Grain blending and packaging, but not milling.
- (23) Heliport or helistop, provided it shall comply with the regulations of the Federal Aviation Agency.
- (24) Hosiery mill.
- (25) Ice cream and frozen yogurt, wholesale (manufacturing permitted).

- (26) Ice manufacture, including dry ice.
- (27) Ink manufacturing (mixing only).
- (28) Iron (ornamental) fabrication.
- (29) Kennels, boarding or otherwise.
- (30) Knitting, weaving, printing, finishing of textiles and fibers into fabric goods.
- (31) Laboratories, research or experimental, but not combustion engines.
- (32) Leather goods manufacture, but not including tanning operations.
- (33) Livery stables and riding academies.
- (34) Macaroni and noodle manufacture.
- (35) Malt products manufacture (except breweries).
- (36) Meat products, packing and processing (no slaughtering).
- (37) Milk distributing stations, including bottling.
- (38) Monument processing and shaping, including sales.
- (39) Motion picture studio.
- (40) Oleomargarine (compounding and packing only).
- (41) Open storage of products manufactured on the premises.
- (42) Open storage of building materials, cement or lime in bags or containers, sand, gravel, shell, lumber, structural or reinforcing steel, and the like, storage and sales, but not steel fabrication or junk storage.
- (43) Perfumes and perfumed soap (compounding only).
- (44) Plating, electrolytic process.
- (45) Produce and storage warehouse.
- (46) Radiator repair, cleaning and flushing.
- (47) Radio or television broadcasting station, studios and office.
- (48) Railroad passenger and freight station.
- (49) Research centers.
- (50) Sheetmetal products.
- (51) Shipping container (corrugated board, fiber or wire bound).
- (52) Sign fabrication and painting shop.
- (53) Silverware and plated wire.
- (54) Tire retreading, recapping and vulcanizing shop.
- (55) Transportation terminal, rail, truck, bus or water (except if used for public).

- (56) Welding or soldering shops.
- (57) Wholesale houses and distributors.
- (58) Trailer parks in accord with the standards set forth in Article 5, Section 3.4.3.
- (59) Gas distribution facilities.
- (60) Electric utility generating, transmission and distribution facilities and electric service centers.
- (61) Telephone and communications lines and related facilities.
- (62) Radio, television and microwave relay, transmitting or receiving towers or antennae when set back a minimum of fifty (50) feet from all lot lines.
- (63) Underground sanitary sewerage lift or pumping station.
- (64) Aboveground sewerage lift or pumping stations.
- (65) Water distributions systems, meters, sanitary and stormwater sewage systems and related appurtenances but not including lift and pumping stations or water towers.
- (66) Public water towers and above ground water storage tanks.
- (67) Water pumping stations.
- (68) Stormwater pumping stations.
- (69) Electric substations on sites adequately screened from any abutting residential district by a landscaped fence or hedge at least six (6) feet in height with all buildings or structures other than poles and self-supporting radio towers set back a minimum of twenty (20) feet from all property lines abutting a residential district. Self-supporting radio towers shall be set back a minimum of fifty (50) feet from all property lines.
- (70) Telephone exchanges, provided all buildings, structures and parking areas are adequately screened from any abutting residential district by a landscaped fence or hedge at least six (6) feet in height. Off-street parking shall be provided in an amount necessary to provide adequate off-street parking area for all employees regularly employed on the premises.
- (71) Electric transmission facilities in accord with the provisions of section 22-9-10.
- (72) Cable communication system cables, amplifiers and related facilities.

*Permitted Accessory Uses:*

- (1) Storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- (2) Gas distribution mains, service piping, service regulators, meters, gas regulator stations and related appurtenances.
- (3) Electric utility lines, transformers and related appurtenances.

- (4) Radio, television and microwave relay, transmitting or receiving towers or antennae when set back a minimum of fifty (50) feet from all lot lines.
- (5) Small telephone repeater structures when located in a public right-of-way utility easement or buildable area or required side or rear yard.
- (6) Telephone and communication lines and related facilities.
- (7) Cable communication system cables, amplifiers and related facilities but excluding distribution or switching centers and cablecasting studios.
- (8) Satellite dish antennae.

*Permitted Conditional Uses:*

- (1) Any conditional use permitted in the C-2, General Commercial District.
- (2) Storage of used automobile parts, including automobile bodies, subject to the following conditions:
  - a. The site shall be completely enclosed with a ten-foot-high opaque fence.
  - b. The site shall be landscaped from the property line for a depth of ten (10) feet in front of the fence.
  - c. The hours of operation shall be 8:00 a.m. to 8:00 p.m., six (6) days a week (not including Sunday).
  - d. No automobile bodies shall be compacted or reduced on the site.
  - e. The decibel level of the operation shall not exceed that which is permitted under the Noise Ordinance, which is part of the Parish Code of Ordinances.
  - f. Any other applicable conditions which may be necessary to protect the public welfare.
  - g. Where such uses abut residential uses or residential districts more stringent regulations may be required.
- (3) Scrap metal collection and transfer centers.
- (4) Riverboat gaming establishments.

## I-2 HEAVY INDUSTRIAL DISTRICT

*Principal Permitted Uses:*

- (a) General industry, warehousing and storage uses, including certain open or enclosed storage of products, materials and vehicles.
- (b) Those uses and similar other uses contained in the list below, including wholesale establishments, service industries and industries that manufacture, process, store and distribute material refined elsewhere.
- (c) Manufacturing, compounding, processing, packaging or treatment, unless otherwise stipulated, of the products or similar products contained in the list below.

All permitted uses or activities are subject to the performance standards of section 22-9-10.

- (1) Any use permitted in the I-1 District, except residential use.
- (2) Aircraft and aircraft parts.
- (3) Aluminum extrusion, rolling, fabrication and forming.
- (4) Animal import-export quarantine station.
- (5) Automobile manufacture.
- (6) Blacksmith shops, including gas and steam fitting shops.
- (7) Boat manufacture and repair.
- (8) Bolts, nuts, screws, washers and rivets.
- (9) Button manufacture.
- (10) Carbon paper and inked ribbons manufacture.
- (11) Chewing gum.
- (12) Chocolate, cocoa and cocoa products.
- (13) Coffee, tea and spices, processing and packaging.
- (14) Coal and coke storage and sales.
- (15) Container (metal).
- (16) Cooperage works (except cooperage stock mill).
- (17) Cosmetics and toiletries.
- (18) Creamery and dairy operations.
- (19) Foundry products manufacture (electrical only).
- (20) Furniture (wood, reed, rattan, etc.).
- (21) Gelatin products.
- (22) Glucose and dextrin.
- (23) Hat bodies of fur and wool felt (including men's hats).
- (24) Laboratories, research, experimental, including combustion engine testing.
- (25) Machinery manufacture, machine shops.
- (26) Nails, brads, tacks, spikes and staples.
- (27) Needles and pins.
- (28) Pencils.
- (29) Planing and millwork.
- (30) Plumbing supplies.
- (31) Pulp goods, pressed or molded (including papier machine products).

- (32) Poultry packing except slaughtering (wholesale).
- (33) Rubber and synthetic-treated fabrics (excluding all rubber and synthetic processing).
- (34) Safes and vaults.
- (35) Soap, washing or cleaning, powder or soda (compounding only).
- (36) Stove and range.
- (37) Tool, dye, gauge and machine shops.
- (38) Tools and hardware products.
- (39) Trailers, carriage and wagon.
- (40) Veneer.
- (41) Vitreous-enameled products.
- (42) Wood products.
- (43) Yarn, threads and cordage.

*Permitted Accessory Uses:*

Any accessory use permitted in the I-1 Light Industrial District.

*Permitted Conditional Uses:*

- (1) Same as I-1, except no new residential uses.
- (2) Acetylene, generation and storage.
- (3) Acids and derivatives.
- (4) Alcohol, industrial.
- (5) Aluminum, powder and paint manufacture.
- (6) Ammonia.
- (7) Aniline dyes.
- (8) Asphalt or asphalt products.
- (9) Atomic pile or nuclear reactor.
- (10) Automobile wrecking yard.
- (11) Blast furnace, cupolas.
- (12) Bleaching products.
- (13) Bloom mill.
- (14) Boiler manufacture (other than welded).
- (15) Brick, firebrick refractories and clay products (coal fired).
- (16) Carbide.
- (17) Casein.

- (18) Caustic soda.
- (19) Cellulose and cellulose storage.
- (20) Cement lime, gypsum or plaster of paris.
- (21) Charcoal and pulverizing.
- (22) Charcoal, lampblack or fuel briquettes.
- (23) Chlorine.
- (24) Cider and vinegar.
- (25) Cleaning and polishing preparations, dressings and blackings.
- (26) Coke oven products (including fuel gas) and coke oven products storage.
- (27) Cotton ginning.
- (28) Cotton wadding and linter.
- (29) Cottonseed oil, refining.
- (30) Creosote.
- (31) Distillation, manufacture or refining of coal, tar, asphalt, wood and bones.
- (32) Distillery (alcoholic), breweries and alcoholic spirits (nonindustrial).
- (33) Dyestuff.
- (34) Excelsior.
- (35) Explosives, including ammunition and fireworks, and explosive storage.
- (36) Fat rendering.
- (37) Film, photographic.
- (38) Fertilizer, organic or nonorganic.
- (39) Fish curing or smoking.
- (40) Fish oils and meal.
- (41) Flour, feed and grain milling.
- (42) Forge plant, pneumatic drop and forge hammering.
- (43) Foundries.
- (44) Glue, gelatin (animal) or glue and size (vegetable).
- (45) Graphite or graphic products.
- (46) Hair, felt or feathers, washing, curing and dyeing.
- (47) Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage.
- (48) Hazardous waste facilities.
- (49) Hydrogen and oxygen.

- (50) Incinerator, industrial or public.
- (51) Insecticides, fungicides, disinfectants or related industrial or household chemical compounds.
- (52) Junk yards, open or enclosed storage of junk.
- (53) Jute, hemp and sisal products.
- (54) Lampblack, carbonblack and boneblack.
- (55) Lead oxide.
- (56) Leather tanning and curing.
- (57) Linoleum and other hard-surface floor coverings (except wood).
- (58) Linoleum or oil cloth.
- (59) Match manufacture.
- (60) Meat or fish products, including slaughtering of meat or preparation of fish for packing.
- (61) Metal and metal ores, reduction, refining, smelting and alloying.
- (62) Minerals and earths, quarrying, extracting, grinding, crushing and processing.
- (63) Molasses.
- (64) Nitrate (manufactured and natural) of an explosive nature and storage.
- (65) Nitrating of cotton or other material.
- (66) Nylon.
- (67) Oil or gas wells.
- (68) Oilcloth, oil-treated products and artificial leather.
- (69) Ore dumps and elevators.
- (70) Petroleum, gasoline and lubricating oil, refining and wholesale storage.
- (71) Pharmaceutical products, drugs and manufacturing.
- (72) Pickles, vegetable relish and sauces.
- (73) Plastic material and synthetic resins.
- (74) Potash.
- (75) Pyroxylin.
- (76) Radioactive waste handling.
- (77) Rayon.
- (78) Rayon yarns.
- (78.5) Riverboat gaming establishments.

- (79) Rendering and storage of dead animals, offal, garbage and waste products.
- (80) Rubber (natural or synthetic, including tires, tubes or similar products), guttapercha, chicle and balata processing.
- (81) Sauerkraut.
- (82) Scrap metal reduction.
- (83) Shell grinding.
- (84) Shod.
- (85) Slaughtering of animals.
- (86) Soaps or detergents, including fat rendering.
- (87) Solvent extraction.
- (88) Starch manufacture.
- (89) Steel work and rolling mills (ferrous).
- (90) Stockyard.
- (91) Storage battery (wet cell).
- (92) Sugar refining.
- (93) Testing of jet engines or rockets.
- (94) Textile bleaching.
- (95) Turpentine and resin.
- (96) Waste facilities.
- (97) Wool pulling or scouring.
- (98) Wood preserving treatment by creosote.
- (99) Wood pulp or fiber, reduction or processing, including paper mill operation.
- (100) Yeast.
- (101) Any manufacturing, industrial or storage use not in conflict with any ordinance of St. Bernard Parish regulating nuisances and not similar to the I-2 permitted uses and not specifically listed as permitted heavy industrial uses or a permitted conditional use shall be considered as an I-2 conditional use.

**USES PERMITTED IN SA SUBURBAN AGRICULTURAL DISTRICT  
AND SBV ST. BERNARD VILLAGE DISTRICT**

**SA SUBURBAN AGRICULTURAL DISTRICT**

*Purpose:*

This district is intended to create an environment that allows a mixture of agricultural uses, low density single-family and duplex residential development and neighborhood commer-

cial. The permitted uses, lot areas, setbacks, and other site and structure requirements are designed to encourage quality residential and commercial areas in a low density setting. To protect the character of this district, permitted uses are limited to single-family dwellings and certain agricultural, cultural, educational, religious, public and neighborhood commercial uses.

*Principal permitted uses:*

Only the following permitted uses shall be allowed in the SA Suburban Agricultural District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of this ordinance or uses per section 22-9-8.

- (1) One (1) single family dwelling or mobile home per lot unless a rural community unit plan per lot of record.
- (2) One (1) two-family dwelling per lot of record.
- (3) One (1) garage apartment or guest home under one thousand (1,000) square feet of habitable floor space on lots of at least twelve thousand (12,000) square feet.
- (4) Rural community unit plans.
- (5) Home occupations.
- (6) Business and professional offices.
- (7) Individual retail stores under nine thousand (9,000) square feet.
- (8) Personal service shops.
- (9) Beauty parlors and barber shops.
- (10) Filling stations.
- (11) Laundromats.
- (12) Dry cleaners.
- (13) Grocery stores under eighteen thousand (18,000) square feet.
- (14) Individual retail stores.
- (15) Convalescent and nursing homes.
- (16) Medical offices.
- (17) Veterinarian offices.
- (18) Agricultural buildings and structures.
- (19) Cultivation of fields and crops.
- (20) Animal raising.
- (21) Wholesale and retail greenhouses or nurseries.
- (22) Day care centers and nursery schools.

- (23) Horse riding and training stables.
- (24) Libraries.
- (25) Museums.
- (26) Golf courses and practice ranges.
- (27) Electrical substations.
- (28) Telephone relay facilities.
- (29) Utility substations.
- (30) Sewage treatment facilities.
- (31) Utility distribution systems.
- (32) Snowball stands.
- (33) Seasonal produce stands, except seafood peddlers, provided the use is temporary and valid for a period not greater than six (6) months.
- (34) Permanent produce stands under five hundred (500) square feet.
- (35) Kennels.
- (36) Athletic fields.

*Permitted accessory uses (Same as R-1):*

- (1) Animal pens.
- (2) Farm buildings and structures.

*Permitted conditional uses:*

Same as R-1 unless listed as a permitted use for SA.

- (1) Borrow or excavation pits for commercial, private, or public use.
- (2) Agricultural ponds, fish or shellfish ponds.
- (3) Clubs and lodges.
- (4) Oil and gas exploration and development.
- (5) Transmitter towers.
- (6) Heliports and private landing strips, provided FAA requirements are met.
- (7) Hospitals.

*Permitted signage:*

Same as C-1.

*Minimum lot area:*

Ten thousand (10,000) square feet if sewerage is provided except for rural community unit plans.

Twelve thousand (12,000) square feet with a minimum sixty-foot frontage if mechanical plants with absorption fields are provided.

Sixteen thousand (16,000) square feet with a minimum eighty-foot frontage if mechanical plants with effluent are provided.

Twenty-two thousand five hundred (22,500) square feet with a minimum eighty-foot frontage if septic tanks are provided.

*Minimum yard requirements:*

Same as R-1(M) except that two-family dwellings shall be according to R-2 requirements and exceptions provided for in the Zoning Ordinance.

*Maximum height of buildings:*

Thirty-five (35) feet unless provided for in exceptions and modifications.

SBV ST. BERNARD VILLAGE DISTRICT

*Purpose:*

To provide for restricted commercial and residential development that will attract and service local residents and not adversely affect the character of nearby residences or detract from the historic character of St. Bernard Village.

*Principal permitted uses:*

Where any new structure or change in exterior appearance is contemplated, a permit for the new structure or change in exterior appearance shall be issued subject to the following conditions and safeguards:

- (a) The historic character of St. Bernard Village shall not be injuriously affected.
- (b) Signs which are garish or otherwise out of keeping with the character of St. Bernard Village shall not be permitted.
- (c) Building styles shall be in harmony with the traditional architectural character of St. Bernard Village, i.e., West Indies Cottage, Creole Cottage, Raised American Cottage, Raised Louisiana Cottage, Single or Double width-Shotgun, Greek Revival, Victorian, French Colonial, American Colonial, or Spanish Colonial, or any other style widely built in the period between 1800 and 1920 in St. Bernard Village.
- (d) The value of St. Bernard Village as a place of unique interest and character shall not be impaired.

Only the following permitted uses shall be allowed in the SBV St. Bernard Village District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of this ordinance or uses per section 22-9-8.

- (1) One (1) single-family dwelling per lot, unless a rural community unit plan, per lot of record.

- (2) One two-family dwelling per lot of record.
- (3) One (1) garage apartment or guest home under one thousand (1,000) square feet of habitable floor space on lots of at least twelve thousand (12,000) square feet.
- (4) Rural community unit plans.
- (5) Home occupations.
- (6) Business and professional offices.
- (7) Individual retail stores under nine thousand (9,000) square feet.
- (8) Personal service shops.
- (9) Beauty parlors and barber shops.
- (10) Filling stations.
- (11) Grocery stores under eighteen thousand (18,000) square feet.
- (12) Individual retail stores.
- (13) Medical offices.
- (14) Veterinarian offices.
- (15) Agricultural buildings and structures.
- (16) Cultivation of fields and crops.
- (17) Animal raising.
- (18) Wholesale and retail greenhouses or nurseries.
- (19) Horse riding and training stables.
- (20) Libraries.
- (21) Museums.
- (22) Golf courses and practice ranges.
- (23) Telephone relay facilities.
- (24) Private sewage package treatment facilities.
- (25) Utility distribution systems.
- (26) Snowball stands.
- (27) Seasonal produce stands, except seafood peddlers, provided the use is temporary and valid for a period not greater than six (6) months.
- (28) Permanent produce stands under five hundred (500) square feet.
- (29) Kennels.
- (30) Athletic fields.
- (31) Religious houses of worship.

*Permitted accessory uses (Same as R-1):*

- (1) Animal pens.
- (2) Farm buildings and structures.

*Permitted conditional uses:*

Same as R-1.

*Permitted signage:*

Same as C-1, except no sign shall exceed fifty (50) square feet and no group of signs on one lot shall exceed one hundred (100) square feet.

*Minimum lot area:*

Ten thousand (10,000) square feet if sewerage is provided except for rural community unit plans.

Twelve thousand (12,000) square feet with a minimum sixty-foot frontage if mechanical plants with absorption fields are provided.

Sixteen thousand (16,000) square feet with a minimum eighty-foot frontage if mechanical plants with effluent are provided.

Twenty-two thousand five hundred (22,500) square feet with a minimum eighty-foot frontage if septic tanks are provided.

*Minimum yard requirements:*

Same as R-1(M) except that two-family dwellings shall be according to R-2 requirements and exceptions provided for in the Zoning Ordinance.

*Maximum height of buildings:*

Thirty-five (35) feet unless provided for in exceptions and modifications.

*Nonconforming uses:*

Same as section 22-8, except that under section 22-8-9, discontinuance, nonconforming mobile homes shall not be reestablished if the mobile home or the land it was on becomes and remains vacant for a continuous period of one (1) year.

22-5-7. *Planned unit developments (PUD)*. The following provisions shall apply to planned unit developments:

REFER TO THE AMERICAN PLANNING ASSOCIATION DEFENITION.

- (a) Purpose: The purpose of the planned unit development (PUD) is to promote more economical and efficient use of land, more orderly development of the parish, improved living environments, and an improved level of amenities. It is further intended to promote an appropriate use and harmonious variety of housing types, to facilitate the adequate and economical provisions of streets and utilities; and to preserve the natural and scenic qualities of open areas.

[(b)] Permitted Uses: The following uses may be permitted in the planned unit development upon the approval of the parish council:

- (1) Single-family dwellings including cluster homes.
- (2) Two-family dwellings or duplexes.
- (3) Multiple-family dwellings, townhouses, garden apartments, etc.
- (4) Private clubs, community centers, civic and social or organization facilities.
- (5) Parks, playgrounds, golf courses, tennis and racquet clubs.
- (6) Public utility buildings, structures and facilities necessary to service the surrounding neighborhood.
- (7) Houses of worship, schools, nursing homes, child care centers, hospitals.
- (8) In the case of a planned unit development, the planning commission, after holding a public hearing in accordance with the provisions of section 22-14 of this ordinance may recommend and the parish council may authorize that there be in part of the area of such development and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided the planning commission find:
  1. That the uses permitted by such exception are reasonable or desirable and are appropriate with respect to the private purpose of the development.
  2. That the uses permitted by such exception are not as such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
  3. That the uses permitted by such exception do not place an extraordinary burden on existing public infrastructure and/or services.
  4. Providing the above conditions are met, the planning commission shall have the power to grant exceptions to the following:
    - a. Yard requirements.
    - b. Lot area.
    - c. Use requirements.
- (9) Adult book/video stores, massage parlors, pain management clinics and truck stops with video poker machines are not permitted uses under the provisions of this section.

[(c)] Location Standards: In determining recommendations and making a decision as to approval of the PUD, the planning commission and parish council shall apply the following locational standards:

- (1) Physical characters of the site. The site shall be suitable for development in the manner proposed without hazard to persons on or off the tract from probability of

- flooding, erosion or other damage; the condition of soil, groundwater level, drainage and topography shall all be appropriate to both kind and patterns of use intended. Such determination shall be made by the department of public works.
- (2) Relation to major transportation facilities. PUDs shall be so located with respect to arterial streets, highways, collector streets, or other transportation facilities as to provide direct access to such PUDs without creating or generating traffic along minor streets in residential areas or districts outside the PUD.
  - (3) In order to be considered for approval, the location of a proposed PUD must be consistent with the following:
    - a. All current, binding plans adopted by the St. Bernard Parish Council, including (but not limited to): the comprehensive master plan; the economic development plan; the hazard mitigation plan; and the land use plan.
- [(d)] Internal PUD Parameters: The following parameters apply within a PUD:
- (1) Access. Every dwelling unit or other use permitted in the PUD shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses may not be required to front a dedicated public road.
  - (2) Lot sizes. Lot sizes conform to the requirements set forth for multifamily dwellings.
  - (3) Parking requirements. Parking spaces shall be a minimum of eight (8) feet × twenty (20) feet (to the tire stop). Parking requirements shall be consistent with Chapter 22 (Zoning) of the St. Bernard Parish Code of Ordinances.
  - (4) Useable open space requirements. Useable space shall include active and passive recreation areas, such as playgrounds, golf courses, beach frontage waterways, lagoons, floodplains, nature trails, and other similar open spaces. Open water bodies beyond the perimeter of the site and street right-of-way, driveways, and parking areas shall not be included in determining useable open space. Yards and spacing within individually owned lots shall not be included in determining useable open space. However, such area commonly owned shall be considered open space. Minimum open space (lot area not covered by structures, parking or drives) — Minimum ratio of .01 acre of open space for each unit shall be provided. Open space shall be twenty-five (25) percent of total net floor area and have a minimum dimension of twenty-five (25) feet. Required perimeter landscaping and perimeter yards will count toward open space.
  - (5) Maintenance of common areas. Prior to final approval the continued maintenance of all common areas, including open spaces etc., shall be established and submitted to the parish council. The submission may include agreements, contracts, deed restrictions, sureties or other legal instruments to guarantee the installation and continued maintenance of such common areas and facilities.

- (6) Sewerage disposal. Central sewerage systems shall be provided to all structures in this district.
- (7) Water system. Central water system to provide adequate fire protection shall be provided to all structures in this district.
- (8) Minimum Living Area. One-bedroom—minimum floor area of seven hundred (700) square feet, two-bedroom—minimum floor area of nine hundred (900) square feet, three-bedroom—minimum floor area of one thousand (1,000) square feet. Minimum ceiling height in the units shall be nine (9.0) feet.
- (9) Enhanced Entrances. Perimeter fence with controlled access gates at all entrances is required for all developments. Fence shall be six (6) feet in height and shall be brick/masonry, wrought iron, or treated wood.
- (10) Lighting. Site lighting shall provide a minimum foot candle level as specified by the most current edition of the Illuminating Engineering Society (IES) Lighting Handbook. Lighting shall be designed to reduce glare and light pollution through the use of full cutoff (Dark Sky compliant) light fixtures. Lighting levels at the property line should not exceed 0.5 foot candles.
- (11) Disposal/Outside Storage. All refuse facilities shall be screened on three (3) sides by an eight-foot masonry wall.
- (12) Roof Pitch. Roof articulation and/or the traditional roof forms including, but not limited to: gables, hips or dormers shall be incorporated by change in plane of no less than two (2) feet six (6) inches, a minimum of every sixty (60) feet; single story portions shall have a minimum of 4:12 roof pitch. Flat roofs and wood shingles are prohibited. Roof material shall be a minimum of thirty-year warranty product.
- (13) Building Scale/Architecture. Developments containing buildings with three (3) or more attached dwellings shall provide a variety of building types, number of dwellings within a building, and public spaces. Building types shall incorporate a minimum of three (3) architectural elements. Architectural elements may include, but are not limited to: bay windows, covered balconies, porches, varied building materials, two-foot minimum offsets in the facade, varied roof heights, varied roof pitches, chimney masses, and canopies. Buildings over one hundred seventy-five (175) feet in length shall have either a minimum of two (2) ten-foot facade offsets or a variety of building heights to scale down the bulkiness of large buildings. Patios and balconies shall be a minimum of forty (40) square feet with a minimum narrow width of five (5) feet and are to remain open and unenclosed other than handrails and fences.
- (14) Access and Internal Circulation. Emphasis placed on efficient internal circulation with access designed to discourage traffic into an adjacent residential neighborhood; traffic calming methods should be employed where necessary. Internal

driveways should be designed for slow speeds and should be a maximum of five hundred (500) feet in a straight length without an offset of thirty (30) feet, unless approved by building official.

- (15) Landscaping. Landscaping shall be done as per St. Bernard Parish Zoning Ordinance, Chapter 22, Landscape Ordinance SBPC #702-01-07.
- (16) Internal Pathways. Developments should be designed for internal pedestrian activity. Sidewalks, crosswalks, trails, and bridges should be provided to separate pedestrians from vehicles. Trails and walkways should be provided in various open spaces to connect to other neighborhoods and community areas.
- (17) Utilities. All lines for communication or for transmission of signal or current shall be placed underground. Community use satellite television reception dishes and roof-mounted equipment shall be integrated into the building design and screened on all sides of the building in materials similar to the facade. (This does not apply to personal satellite dishes.) Individual window air conditioning units are prohibited.
- (18) Exterior Materials. Developments shall be one hundred (100) percent masonry (brick, stone, stucco, and/or fiber-cement siding). Residential structures designed with sustainable materials that reflect the historical architecture of the region may be used on some forms of low density housing pending parish council approval. Balconies, stairways, landings and primary walkways shall be covered.
- (19) On-site Management. Assurance shall be provided of on-site management and the existence of an annual maintenance fund. An on-site management office separate from the residential units is required for all properties with ten (10) or more units. Management personnel must be present during business hours. The property must provide to all tenants a telephone number that will be answered twenty-four (24) hours a day for the purpose of reporting emergencies. All properties of ten (10) units or more must use the National Apartment Association lease contract form.
- (20) Building Scale and Architecture. Developments should, if at all possible, resemble the most desirable character of the neighborhood and use similar building character, facades, and materials to fit neighborhood fabric and promote creative building location. Maximum building height shall be limited to three (3) stories.
- (21) Environmental Performance. All appliances including refrigerators and dishwashers, and HVAC shall be energy-star rated.
- (22) Recreational Facilities. Developments with over fifty (50) units should include a minimum of three (3) amenities. Amenities may include, but are not limited to exercise facility, improved picnic areas, playground, sport courts and fields (volleyball, baseball, soccer, tennis, etc.) and swimming pools.

## [(e)] Procedure and Requirements for Plan Approval:

1. Application for Approval. An application for approval of a planned unit development shall be filed with the planning department and shall contain the following:
  - a. Interest and Ownership. The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land area included in the special plan and all encumbrancers of such land; and sufficient evidence to establish that the applicants are all the owners and encumbrancers of the designated land area, intent actually to develop the designated area, and have both the means and ability to do so.
  - b. Plans for Building Development. Plans showing the land area included within the special plan, with the boundaries and dimensions and present zoning classification of the area, the adjoining properties and the present zoning classification thereof, all public private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties, the location of buildings and the use of the land on adjoining properties, necessary finished grades, curb cuts, driveway, off street parking areas, off street loading areas, walks, open areas to be set aside for special purposes, the location and height of proposed walls, fences, and screen planting, the types of paving or other surfacing to be used in the various areas, and such other site information as may be necessary to describe completely the proposed building developments. Additionally, the planning commission may mandate that a PUD applicant provide one (1) or both of the following:
    - a. Detailed traffic study.
    - b. Detailed market analysis.
2. Site Plan and Improvements. A special plan for a building development shall show, and there shall be provided, the following:
  - a. Drainage. Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving and the proper design of finished grades, when requested by the planning director.
  - b. Ingress and Egress. Adequate facilities for the same and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, offstreet parking areas, offstreet loading areas, and landscaped separation spaces between pedestrian and vehicular ways.
  - c. Play Area. In all dwellings five thousand (5,000) square feet or more, adequate and safely located play areas for small children.
  - d. Protection of Residence District. In business building developments near or adjoining residence districts, adequate provision (including fences, walls and/or planting) to screen and protect the residence districts from parking

lot illumination, headlights, fumes, heat, noise, blowing papers, and dust, and the visual encroachment of commercial activity on the privacy and neighborhood character of the residence district.

- e. A landscaping plan of the entire project must be provided showing individual plants and vegetation types.
- f. Location of all garbage, trash and/or dumpster location shall be shown and shall be properly screened from view.
- g. Formation of incorporate non-profit association when there are multiple owners. When the formation of an incorporate non-profit association is part of a PUD the developer shall:
  - 1. Create an incorporate non-profit automatic homes association, which assures exterior maintenance of each unit and the common areas.
  - 2. Record covenants which automatically make every lot owner an association member, give him the right to use the common property, and establish his voting rights in the association and his obligation to pay its assessments.
  - 3. Administrative Examination. Upon receipt of an acceptable application for approval of a planned unit development, properly and completely made out as listed herein, the department of community development shall examine the application and make such investigation as is necessary. Within thirty (30) days of the receipt of an application, the department of community development shall transmit the application together with its report and recommendation to the planning commission. The department of community development may also transmit a copy of the application to any department or agency, which might be affected by the approval of the application, and such department or agency may transmit its report and recommendation to the planning commission.
  - 4. Compliance with State Laws. Planned unit developments must comply with the applicable State Laws L.R.S. 9:1121 et sec. entitled "Horizontal Property Act".
  - 5. Review by Planning Commission. The planning commission shall hold a public hearing concerning the planned unit development in accordance with the provisions of section 22-14 of this ordinance and shall review each application and shall recommend approval or disapproval of the special plan; approval may establish conditions and limitations, which may include a performance bond. The planning commission shall then, within thirty (30) days, return the application, together with its report of a recommendation for approval or disapproval to the planning department; the planning department shall notify the applicant of the approval or disapproval of the PUD by the planning commission. Presentation of planned unit development to the parish

council upon action taken by the planning commission, the plan shall be presented to the parish council for final action. Action by yea or nay vote shall be taken within sixty (60) days after being submitted to the parish council. If the council fails to vote within the sixty-day period, the time for council action on the PUD will have prescribed and the PUD application will have failed. The one-year limitation period as provided for in Appendix A Section 2.2.1 B of the subdivision ordinance shall be in effect from the prescription date.

6. Registration of Planned Unit Development. Upon approval of a planned unit development, a copy of such plan shall be registered among the records of the planning department and shall thereafter be binding upon the applicants, their heirs, successors, and assigns; shall limit and control, the issuance and validity of permits and certificates, and shall restrict and limit the use and operation of all land and structures within the area designated in such planned unit development and approval thereof; provided, however, that the department of public works may, upon a showing of engineering necessity thereof, permit minor changes in the location of structure and site improvements if such minor changes will not change the character of the development, increase the gross floor area, intensity of use, or ground coverage, reduce the total building site area, the space between buildings or the ratio of off street parking area and off street loading area to gross floor area, or gross floor area, or otherwise cause the planned unit development to fail to meet the conditions specified herein.
7. Amendment or withdrawal of Planned Unit Development. Pursuant to the same procedure and subject to the same limitations and requirements by which the planned unit development was approved and registered, any planned unit development may be amended or withdrawn, either partially or completely, if all land and structures remaining under such planned unit development comply with all the conditions and limitations of the planned unit development and all land and structures withdrawn from such planned unit development comply with all regulations established by this ordinance and unrelated to the planned unit development.
8. Fees. Before any action shall be taken as provided in this section, the party or parties proposing or recommending the planned unit development shall deposit with the department of community development, three hundred dollars (\$300.00) for all land or portion thereof included in the Planned Unit Development up to two (2) acres and an additional one hundred twenty-five dollars (\$125.00) per acre for all over two (2) acres. These fees are to cover the appropriate cost of this procedure, and under no condition shall such sum or any part thereof be refunded

for failure of such planned unit development to be adopted by the parish council. The maximum fee required shall not exceed five thousand dollars (\$5,000.00) for planned unit developments or amendments to planned unit developments to cover the approximate cost of this procedure.

9. **One Year Limitation.** Whenever a planned unit development is filed with the planning department, and has been finally acted on by the parish council in accordance with the above outlined procedure, then the planning commission and the parish council shall not consider the identical planned unit development, for the same property, within a period of one (1) calendar year from the date of the parish council's final action on said planned unit development.

[(f)] **Variations and Exceptions.** Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the commission may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so that, at the same time, the public welfare and interest of the parish are protected and the general intent and spirit of these regulations are preserved.

[(g)] **Binding nature of approval for PUD.** All application information, terms, conditions, safeguards and stipulations made at the time of approval for PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to maintain any requirements, conditions or safeguards shall constitute a violation of the conditions of the PUD. If any violation of the PUD occurs, the owner shall be notified by mail of the violation(s) and shall have thirty (30) calendar days to correct any violation(s). If the owner does not correct all violation(s) within thirty (30) days, the PUD shall be revoked.

[(h)] **Appeals.** Any affected party who feels aggrieved by the proposed changes either major or minor may petition for appeal before the council within fifteen (15) days of the enactment of said changes.

#### **USES PERMITTED IN RO RESIDENTIAL/OFFICE DISTRICT**

*Purpose of the district:*

This zone is intended to accommodate general administrative and general office uses together with certain commercial uses primarily to serve the surrounding residential area.

*Principal permitted uses:*

1. Same as multiple family dwellings.
2. General business offices, including, but not limited to, general administrative offices and sales offices.

3. Banks, drive-in or otherwise, provided driveway space is made available off the street for vehicles waiting for drive-in service, the minimum being sufficient off-street driveway storage space to accommodate a minimum of five (5) automobiles for each drive-up banking window plus parking requirement per section VI of the zoning ordinance [Sec. 22-6].
4. Data processing centers.
5. Studios for artists, photographers, teachers, sculptors, musicians or dance instruction but no massage or tattoo parlors.
6. Parking lots and parking garages but not for storage or sale of used or new vehicles.
7. Flower or florist shops.
8. Custom dress making, boutique, millinery and tailoring shops.
9. Interior decorating shops, displays and sales.
10. Retail stores limited to one thousand five hundred (1,500) square feet of retail floor area, but no pawn shops or package liquor stores or sale of any alcoholic beverages.
11. Beauty shops, barber shops and cosmetic specialty shops.
12. Print shops.
13. Snowball stands.
14. Restaurants, but no fast food or drive-through operations and/or no sale of alcoholic beverages.
15. Laundries and laundromats.

*Permitted accessory uses:*

1. All accessory uses allowed in R-3 Multiple Family Zone.
2. Laundry rooms for use by occupants of a multiple family dwelling.
3. Office containing 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.
4. Storage structures incidental to the primary commercial use, not to exceed twenty-five (25) percent of the total floor area.

*Permitted conditional uses:*

1. The permitted uses in the R-3 Multiple Family Residential Zone.

*Prohibited uses:*

All uses other than those listed as principally permitted, accessory, or conditional uses or substantially similar to principally permitted, accessory or conditional uses shall be prohibited.

*Lot, yard and height requirements:*

The lot, yard, and height requirements shall be as for the R-3 Multiple Family Residential Zone.

*Off-street parking:*

The off-street parking requirements shall be provided in accordance with section VI of the comprehensive zoning ordinance [section 22-6].

*Signage:*

Signs in "RO, General Office Districts": In the "RO District" signs are permitted subject to the following regulations:

1. All signs permitted in the "R" districts.
2. The total area of all business signs on a building or lot shall not exceed one hundred fifty (150) square feet. No single business sign surface may exceed thirty (30) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of sixty (60) square feet.
3. Advertising sign structures shall be limited to not more than one (1) structure for a lot frontage, and to one (1) additional lot frontage. Such structure may contain not more than two (2) signs per facing. No advertising sign shall be erected within fifty (50) feet of an adjoining residential district if designed to face into such district.

(Ord. of 6-1-65, § V; Ord. No. 11-73, 1-9-73; Ord. No. 2-80, 2-21-80; Ord. No. 28-82, § 1, 9-14-82; Ord. No. 1-84, §§ I—VI, 1-9-84; Ord. No. 5-84, § 1, 2-7-84; Ord. No. 10-85, § (a), 2-5-85; Ord. No. 14-85, §§ 1—4, 4-2-85; Ord. No. 17-85, § 1, 4-2-85; Mo. of 7-2-85; Ord. No. OPC-5-89, 4-4-89; Ord. No. OPC-9-89, 5-9-89; Ord. No. OPC-11-89, 8-1-89; Ord. No. OPC-5-90, § 1, 6-5-90; Ord. No. OPC-12-90, 11-13-90; Ord. No. OPJ-2-91, 2-5-91; Ord. No. OPJ-3-91, 2-5-91; Ord. No. OPJ-7-91, 4-2-91; Ord. No. SBPC-82-09-93, 9-21-93; Ord. No. SBPC-273-06-96, 6-25-96; Ord. No. SBPC-296-09-96, §§ I, II, 9-3-96; Ord. No. SBPC-306-11-96, § I, 11-5-96; Ord. No. SBPC-360-12-97, §§ I, II, 12-2-97; Ord. No. SBPC-367-01-98, § I, 1-6-98; Ord. No. SBPC-460-07-00, §§ I, II, 7-18-00; Ord. No. SBPC 475-11-00, § I, 11-18-00; Ord. No. SBPC 523-03-02, § I, 3-19-02; Ord. No. SBPC 555-07-03, § I, 7-1-03; Ord. No. SBPC 573-11-03, § I, 11-18-03; Ord. No. SBPC 590-07-04, § I, 7-6-04; Ord. No. SBPC-626-08-05, § 1, 8-2-05; Ord. No. SBPC-668-09-06, § I, 9-19-06; Ord. No. SBPC-743-05-07 § I, 5-15-07; Ord. No. SBPC-898-09-08, § 1, 9-9-08; Ord. No. SBPC-958-12-08, § 1, 12-16-08; Ord. No. SBPC-1011-07-09, § 1, 7-7-09; Ord. No. SBPC-974-04-09, § 1, 4-7-09)

**Sec. 22-6. Off-street parking and loading requirements.***22-6-1. General requirements:*

- (a) Off-street parking facilities for one-family and two-family dwellings shall be located on the same lot or plot of ground as the building to be served. The location of off-street parking facilities for other uses shall not be more than three hundred (300) feet distant from the main buildings; provided, however, that the zoning classification of such land

is the same as, or less restrictive than, the classification of the lot upon which the main use is located except as hereinafter provided. Such parking space or area shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space or area, such encumbrances to be valid for the total period of the use or uses for which the parking is needed or in existence. Such agreement or covenant shall be duly recorded in the office of the clerk of court and a certificate furnished the zoning administrator.

- (b) Parking requirements for two (2) or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility when such uses adjoin the area to be allocated for the parking facility. Such facility shall not be less than the sum of the requirements for the individual uses computed separately.
- (c) Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified except where equivalent off-street parking or loading space is provided.
- (d) For uses not specifically mentioned in this section the requirements for off-street parking and loading facilities for a similar use specifically mentioned in this section shall apply.
- (e) A parking area consisting of aggregate surface course may be constructed for schools and outdoor recreational facilities owned and operated by a school and which is used no more than the total number of days that the operating school is in session, provided all of the following conditions are met:
  - 1. The aggregate surface course shall meet the requirements of Section 401 Aggregate Surface Course of latest edition Louisiana Standard Specifications for Roads and Bridges.
  - 2. All required parking for the operating school/facility is met without having received a greater than forty-nine (49) per cent variance from any local governmental body or entity. All current variances as of December 1, 1998 shall remain in effect.
  - 3. The owner shall take the necessary measures needed to suppress the creation of dust which may be caused by vehicular traffic and/or wind.
  - 4. The owner shall maintain all entrances to and exits from the parking area to ensure that aggregate material does not collect on public streets. The owner shall also maintain that portion of the public right-of-way used for entrances and exits and shall immediately repair potholes and make any other changes necessary to ensure the safety of vehicles and pedestrians which may traverse this area.
  - 5. Limited access to the parking area shall be provided from the public right-of-way and shall clearly be marked as entrances and/or exits.

6. Sections of the parking area which are used for purposes other than those described above or which shall be utilized in more than thirty (30) days in a year must meet the requirements set forth in section 22-3-64.
7. Rainfall run-off from the parking area shall not be directed onto public rights-of-way unless drainage calculations showing no adverse impact to existing drainage facilities and streets are submitted to the department of public works. The owner shall obtain a letter of no objection from the department of public works for the proposed drainage layout prior to construction of the parking area.
8. Any expansion of a facility, including all structures owned and operated by the school, which requires additional parking area, shall meet the parking requirements as spelled out in Section 22-3-64.

(f) The requirements for an impervious, hard-surfaced parking space shall not apply to:

- (1) All residential structures and buildings of a temporary nature within A-1, Rural; SBV, St. Bernard Village; SA Suburban Agricultural, and R-1M, Mobile Home Subdivision Residential. For these uses, any required parking area and connecting driveway(s) shall be allowed to use an aggregate surface course.
- (2) Commercial and industrial uses within A-1, Rural; SBV, St. Bernard Village; and SA, Suburban Agricultural. For these uses a concrete curb outlining the required parking spaces and connecting driveways shall be constructed and an aggregate surface course shall be used to fill the required area. The minimum dimensions of the curb shall be twelve (12) inches high and six (6) inches wide. Construction of the curb shall provide a minimum of four (4) inches below grade and six (6) inches above grade.
- (3) Exceptions for (1) and (2) above are allowed provided the requirements of Section 401, Aggregate Surface Course, of the latest edition of the Louisiana Standard Specifications for Roads and Bridges and the latest revision of the Louisiana Department of Transportation and Development Standards Plan for Driveways DW-03 Rural Driveway Details.

22-6-2. *Off-street parking requirements.* Off-street automobile parking space or area shall be provided on any lot on which any of the following listed uses are hereafter established, and in accordance with the schedule shown. When a use is increased in capacity by the addition of dwelling rooms, guest rooms, floor area or seats, the minimum off-street parking shall be provided for such increase. Parking space or area may be located on any portion of a lot except in the required front yard or as herein provided.

However, the required front yard for multiple-family development may be used as required parking area on the condition that a minimum eight-foot-wide buffer zone between the paved parking surface and the building face be provided, and further, that at least four (4) feet of the total eight (8) feet be utilized as landscape on screen planting area.

<i>Use</i>	<i>Number of Spaces per Area</i>
1. R-1 and R-2 dwellings	1 per dwelling unit
2. R-3 dwellings	1.5 per dwelling unit
3. Boardinghouses and lodginghouses	1 per bedroom
4. Tourist homes and courts	1 per room
5. Mobile homes	1 per dwelling unit
6. Apartment hotels	1 per 2 dwelling units plus 1 space for each 4 employees
7. Transient hotels	1 per guest room

<i>Use</i>	<i>Number of Spaces per Area</i>
8. Clubs and fraternities	1 per 3 members
9. Libraries and museums	1 per 400 sq. ft. of floor area
10. Schools, public and private:	
Elementary and junior high	1 per classroom
Senior high	4 per classroom
College and universities	5 per classroom
11. Auditoriums and theaters, sports arenas and places of public assembly	1 per 4 seats
12. Churches and temples	1 per 4 seats
13. Hospitals	1 per 5 beds, 1 space for each staff doctor, plus 1 space for each 4 employees including nurses
14. Clinics	1 per 300 sq. ft. of floor
15. Stores and shops	space equal to 2 times the retail floor area as partitioned with walls.
16. Offices	Parking area equal to gross floor area
17. Roadside stands	5 spaces for each stand
18. Undertaking establishments	1 parking area equal to twice ground floor area of establishment.
19. Mausoleums	1 parking area equal to ground floor area
20. Cemeteries	15 spaces for every 5 acres thereof
21. Bingo halls	1 per 75 sq. ft.
22. Office/warehouses	1 per 2 employees plus 1 per co. veh.
23. Bowling alleys	5 per alley
24. Rollerskating rinks and gyms	1 per 150 sq. ft.
25. Furniture and appliance stores	1 per 400 sq. ft.
26. Building supplies stores	1 per 600 sq. ft.
27. Mini-storage	1 per storage unit in front of unit
28. Restaurant	1 per 150 sq. ft.
29. Used and new car lots	1 per 500 sq. ft. gross lot area

<i>Use</i>	<i>Number of Spaces per Area</i>
30. Riverboat gaming establishments	Riverboat excursions: one (1) parking space for each passenger and crewmember based on maximum capacity plus one (1) space for each one (1) landside employee at maximum employment on a single shift. (Note: Hotel, Restaurant, Lounge and other ancillary uses must meet individual parking space requirements, as established within this section). Parking area shall designate passenger loading/unloading zones and bus parking area in addition to the minimum requirements. All parking shall be located on the property. No buffer area may be used for required parking.
31. Athletic playing fields and courts	One space per 5,000 sq. ft. of land area.
32. Parks and playgrounds	Space equivalent to one percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.
33. Barrooms, nightclubs and lounges	1 per 100 sq. ft.
<p>22-6-3. <i>Off-street loading requirements.</i> Every hospital, institution, hotel, commercial or industrial building or use having seven thousand five hundred (7,500) square feet of floor area or more shall have at least one (1) permanently maintained off-street loading space for each seven thousand five hundred (7,500) square feet of floor area or portion thereof. Each space shall have the minimum dimensions of ten feet by twenty-five feet (10'x25') and shall be provided within the building or upon the lot. This provision does not apply to commercial or industrial uses or buildings that do not require the use of trucks or other vehicles for delivery or disposition of goods to and from the building.</p> <p>22-6-4. <i>Decrease in required parking.</i> A decrease in the number of off-street parking spaces required by this section may be granted as a condition for the issuance of a variance provided that the following criteria have been met:</p> <ol style="list-style-type: none"> <li>(1) The intent of this section is preserved.</li> <li>(2) The amount of off-street parking to be provided will be sufficient to serve the uses for which it is intended.</li> <li>(3) The decrease in required off-street parking is based on a parking study prepared by a registered professional engineer. Said study shall include, at a minimum, the following: <ol style="list-style-type: none"> <li>a. Size and type of uses or activities on site;</li> </ol> </li> </ol>	

- b. Composition of tenancy on site;
  - c. Rate of parking turnover;
  - d. Peak traffic and parking loads to be encountered;
  - e. Local parking habits;
  - f. Availability of public transportation.
- (4) Should the board of zoning adjustment allow a decrease in the amount of required off-street parking, the board of zoning adjustment shall require that a portion of the site be reserved to meet the landscaping requirements for commercial uses required by this chapter. This reserved area shall not be developed and shall be either landscaped or maintained in a natural state if vegetation is present and said vegetation is approved by permits to reflect the intent of current landscaping requirements.
- (Ord. of 6-1-65, § VI; Ord. No. OPC-11-86, 6-3-86; Ord. No. OPC-11-89, 8-1-89; Ord. No. SBPC 222-08-95, 8-15-95; Mo. of 9-19-95; Ord. No. SBPC-273-06-96, 6-25-96; Ord. No. SBPC-316-12-96, §§ I, II, 12-17-96; Ord. No. SBPC-399-12-98, §§ I, II, 12-15-98; Ord. No. SBPC 523-03-02, § I, 3-19-02; Ord. No. SBPC 555-07-03, § II, 7-1-03; Ord. No. SBPC-626-08-05, § 1, 8-2-05; Ord. No. SBPC 959-12-08, § 1, 12-16-08)

#### **Sec. 22-7. Rural Community Unit Plan.**

22-7-1. *Intent.* It is recognized that this Zoning Ordinance provides zones which allow all types of residential uses and provides minimum standards in each zone to ensure the health, safety and welfare of the community. It is also recognized that such traditional zoning practices can, at times, restrict and hamper innovative but proper approaches. This section is intended to establish a zone which will allow for innovation which may not be accomplished using traditional techniques. Because customary standards are to be relaxed in this zone, close government scrutiny will be necessary to ensure that the overall standards for the health, safety and welfare of the community will be maintained. While the traditional zones will continue to be available, this section is intended to establish a Rural Community Unit Plan zone which will provide an alternative to the traditional zones.

It is further intended that the Rural Community Unit Plan zone be established so as to minimize land use conflicts and promote development compatible with surrounding land uses.

22-7-2. *Establishment of a Rural Community Unit Plan zone.* An authorized agency of the parish, state or federal government, or the private owner or all owners of any tract of land within the A-1 Rural zone as designated by this chapter, may submit to the parish council a plan for the use and development of all of the tract of land for residential and allied purposes. This plan shall be referred to the parish planning commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedure prescribed in section 22-14 of this chapter. After consideration by the commission, these plans shall be submitted to the parish council for consideration and action. The recommendations of

the commission shall be accompanied by a report stating the reasons for its action. If the commission gives approval, it shall submit specific evidence and facts showing that the proposed Rural Community Unit Plan meets with the following minimum conditions:

- (a) The property adjacent to the area included in the plan will not be adversely affected.
- (b) The plan is consistent with the intent and purpose of this chapter to promote public health, safety, morals and general welfare.
- (c) The plan meets the minimum use and development criteria as specified in this section.

If the parish council approves such a plan, the Rural Community Unit Plan zone designation shall be appended to the existing A-1 Rural Zone of the subject property so that the zone of the subject property would become A-1/RCUP. A copy of the approved plan and any attached conditions shall be duly recorded and filed with the title of the property in the clerk of courts' office, to be valid for the total period that the plan is in existence. A certificate of this filing shall be furnished to the zoning administrator immediately following filing. A Rural Community Unit Plan designation is not intended to substitute in any way the required subdivision process necessary for the sale of individual dwellings with land within any given rural community unit.

*22-7-3. Minimum site and density criteria.* Application for a map amendment request to a Rural Community Unit Plan zone shall be made only on property which meets the following criteria:

- (1) **Location:** The property must be entirely located within an A-1 Rural Zone.
- (2) **Minimum Size:** No site may be zoned to a Rural Community Unit Plan classification unless it is one property of at least five (5) acres in size.
- (3) **Gross Density:** Gross density shall not exceed one (1) single-family dwelling per acre. There shall be a minimum of at least a twenty-foot clearance between the furthest projections of such dwellings.
- (4) **Minimum Yard Requirements:** Minimum yard setback requirements shall be as provided for in A-1 Rural Zone district regulations.
- (5) **Approved Access Required:** Access shall be provided every dwelling to a public or private street. Such access is to be indicated on an approved site plan for the Rural Community Unit plan and shall have a minimum width of twenty (20) feet.
- (6) **Approved Sewerage Disposal Required:** Where available, every dwelling must hook up to the public sewerage disposal system prior to occupancy of the dwelling. Where unavailable, every residence must have a private sewerage disposal system approved by the State Department of Health prior to occupancy of the dwelling.
- (7) **Flood Elevation Standards:** All dwellings must meet minimum required federal flood elevation standards and any other applicable flood zone requirements.

22-7-4. *Permitted uses.* The following uses shall be permitted in the Rural Community Unit zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

- (1) **Principal Permitted Uses:** The primary principal permitted uses shall be single-family dwelling units, including mobile homes.
- (2) **Permitted Accessory Uses:** The following uses are permitted when incidental and subordinate to principal permitted uses: private garages, storage sheds and parking areas; swimming pools and other private use open space and recreational areas; agricultural uses excluding commercial stock raising; and permitted home occupations. There may be one (1) accessory structure per permitted dwelling. Accessory uses shall otherwise be regulated as provided elsewhere in this section.

22-7-5. *Required parking.* A minimum of one (1) off-street parking space shall be provided for each dwelling unit.

22-7-6. *Building permit and certificate of occupancy required.* Following approval by the parish council, building permits and certificate of occupancy may be issued.

22-7-7. *Expansion of Rural Community Unit Plan.* Any proposed expansion to any Rural Community Unit Plan by the addition of any primary principal dwelling not shown in the original approved plan shall be resubmitted for review and approval according to the procedure outlined above in this section.

(Ord. of 6-1-65, § VII; Ord. No. OPC-1-89, 2-14-89)

#### **Sec. 22-8. Nonconforming uses.**

22-8-1. *Existing nonconforming use.* The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter. Any building or land, that does not conform to the provisions of this chapter may be allowed to change to a more conforming use, not a less conforming use.

22-8-2. *Construction approved prior to chapter.* Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story of which, including the second tier of beams, shall have been complete within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from date of this chapter.

In instances of the nonconforming use of land which may or may not necessitate the construction of a building and a permit has been issued for the use of such land, there must be substantial, visible evidence that the intended use of the land is in progress within six (6) months of the date of this chapter. The construction of private roadways, fences or the plowing, grading, staking of the land etc., shall constitute substantial, visible evidence for purposes of this section.

22-8-3. *Extension.* The building or portion of building which is occupied by the nonconforming use or the area of land which is utilized by the nonconforming use shall not be extended or enlarged except when required to do so by law or ordinance. The attachment of signs to the building, the placement of signs or display materials on land outside of the building, or the attachment of racks, balconies or other projections from the building shall be considered as an extension of the use of the building or land.

22-8-4. *Displacement.* No nonconforming use shall be extended to displace a conforming use.

22-8-5. *Alteration.* No structural alterations may be made to a building that is nonconforming as to use, unless said building is changed to a conforming use.

22-8-6. *Restoration.* A legally nonconforming building destroyed by fire, storms or other acts of God or a public enemy may be repaired or rebuilt, provided the restoration is accomplished with no increase in cubical content and no increase in floor area over the building existing immediately prior to damage.

22-8-7. *Unsafe structures.* Any nonconforming structure or portion thereof declared unsafe by a proper authority must be restored to a safe condition.

22-8-8. *Changes.* Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. However, no building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use.

22-8-9. *Discontinuance.* Whenever a building or land used in whole or in part for a nonconforming purpose becomes and remains vacant for a continuous period of six (6) months, or when the operations normally carried on in such a building or on such land have been discontinued for a period of six (6) months, such nonconforming use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this chapter.

22-8-10. *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provision shall apply to any nonconforming uses existing therein.  
(Ord. of 6-1-65, § VIII; Ord. No. SBPC-359-12-97, § I, 12-2-97)

### **Sec. 22-9. Exceptions and modifications.**

22-9-1. *General.* The regulations herein set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

22-9-2. *Exceptions to height requirements.* The height regulations as stated in this chapter shall not apply to:

- (a) Churches; schools; hospitals; sanitariums; public, semipublic or public service buildings and institutions. There shall be no restrictions on the height of such buildings

provided the front, side and rear yards required in the district in which such building is to be located shall be increased an additional one (1) foot for each one (1) foot that the building exceeds the maximum height permitted in such district.

- (b) Barns, silos and other farm structures when located on farms; belfries, cupolas, domes, flagpoles and monuments; water towers, transmission towers, windmills, chimneys, smokestacks, radio towers, masts and aerials, conveyors, fire towers, and oil derricks, church spires and ornamental towers and spires.
- (c) Bulkheads, elevator penthouses, water tanks, cooling towers, stage towers or scenery lofts, and similar structures; provided, that such structures shall cover not more than twenty-five (25) percent of the total roof area of the building on which such structure is located.
- (d) In the case of cemeteries or mausoleums, no building, structure, tomb or vault may exceed thirty-five (35) feet in height regardless of the district in which it is located.

22-9-3. *Exceptions to yard requirements:*

- (a) When fifty (50) percent of a building's total floor area is occupied by dwelling units in commercial and industrial districts, no side yards are required except such side yards as may be required in the district regulations for a commercial or industrial building on the side of a lot abutting on a dwelling district. When a side yard is provided, though not required, such yard shall be not less than three (3) feet in width.

Where a rear yard is provided, though not required, such yard shall be not less than three (3) feet in depth.

Where any lot or tract of land is in a commercial or industrial district abutting a Louisiana State Highway, the structure, excepting signs, shall be set back a minimum of twenty (20) feet from the property line abutting the Louisiana State Highway. Signs shall be set back so that no portion of the sign or its foundation extends beyond the property line.

Signs must also comply with all local building code regulations and Louisiana State Department of Transportation and Development regulations.

- (b) More than one (1) main institutional building, public or semipublic, commercial, industrial or multiple-family buildings may be located upon a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.

Where more than one (1) main building is located upon a lot or tract there must be a minimum ten (10) feet clearance between the furthest projections of such buildings.

Minimum lot size for property zoned R-3 Multiple-Family shall be as follows:

<i>Number of Units</i>	<i>Square Feet</i>	<i>Number of Units</i>	<i>Square Feet</i>
1, 2 or 3	6,500	22	29,750
4	8,000	23	30,500

<i>Number of Units</i>	<i>Square Feet</i>	<i>Number of Units</i>	<i>Square Feet</i>
5	9,500	24	31,250
6	11,000	25	32,000
7	12,500	26	32,750
8	14,000	27	34,500
9	15,500	28	34,250
10	17,000	29	35,000
11	18,250	30	33,750
12	19,500	31	36,500
13	20,750	32	37,250
14	22,000	33	38,000
15	23,250	34	38,750
16	24,250	35	39,500
17	25,250	36	40,250
18	26,250	37	41,000
19	27,250	38	41,750
20	28,250	39	42,500
21	29,000	40	43,250

With a minimum lot frontage of sixty (60) feet

- (c) For the purpose of side yard regulations, a two-family, three-family or four-family dwelling, a group of row houses, a multiple-family dwelling, electric substation or gas-pressure-regulating and metering station for public utility purposes shall be considered as one (1) building occupying one (1) lot.
- (d) Open or lattice-enclosed fire escapes, fireproof stairways and balconies opening upon fire towers, and the ordinary projection of chimneys and flues into a rear yard may be permitted by the zoning administrator for a distance of not more than five (5) feet but only when the same are so placed as not to obstruct light and ventilation.
- (e) Power plants, heating or air conditioning units, apparatus or machinery which are accessory to permitted uses in the residential districts shall be permitted in the required rear yard. They shall also be permitted in the required side yard, provided that a minimum clearance of at least two (2) feet is provided between the apparatus or machinery and the side lot line. All such apparatus or machinery shall be so placed and screened as not to cause serious annoyance to occupants of adjoining property.
- (f) In the case of cemeteries or mausoleums, a minimum fifty-foot landscaped setback shall be observed from property lines abutting streets or canals and a minimum 100-foot setback shall be observed along all other property lines. Such setbacks shall be kept free of all buildings, structures and tombs, etc. However, ground interment and private roadways shall be permitted within twenty-five (25) feet of any property line. No setback is required on a side abutting another existing cemetery.

- (g) Whenever an industrial tract or site is adjacent to, abuts or is across from a residential district, no building or structure may be located closer than one hundred (100) feet to such residential district. However, where a street separates the industrial district, the setback need not exceed fifty (50) feet from the side abutting the street. This provision shall not apply to industrial sites of one (1) acre or less. In such cases the yard requirements of the residential district shall apply to the side adjacent to, abutting or across from the residential district.
- (h) When a lot in a commercial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (i) Where the frontage on one (1) side of a street between two (2) parallel streets constituting a single block is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be required to conform to the front yard of the residential district.
- (j) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half the required front yard depth on the side street; the front yard requirements of a residential district shall prevail over that of a commercial or industrial use.
- (k) In the case of residential lots having a depth of eight-five (85) feet or less, the minimum front yard shall be fifteen (15) feet.
- (l) In the A-1 Rural District all commercial or industrial uses shall provide yard areas as though they were adjacent to abutting or across from a residential district. (See subsections (g), (h), (i) and (j) above).
- (m) All parks and playgrounds including athletic playing fields and/or courts shall comply with all setbacks and yard requirements of the district in which they are located.

22-9-4. *Exceptions to area regulations:*

- (a) Where a lot or parcel of land has an area less than the minimum requirements for the district in which it is located, but was a lot of record in separate ownership from adjacent property at the time of passage of the ordinance from which this chapter derives, such lot, tract or parcel may be used only for single-family residential purposes or for any nonresidential purposes permitted in the district in which the property is located.
- (b) No cemetery or mausoleum may be located on a site less than fifteen (15) acres in size.
- (c) Where any lot or parcel of land located in an approved subdivision or phased subdivision which has been subdivided or resubdivided prior to December 23, 1996, and has received final approval, shall not be subdivided or resubdivided under five thousand (5,000) square feet and said lot or parcel of land shall have no less than a fifty (50) foot frontage.

*22-9-5. Projections into open area—Exceptions to yard regulations:*

- (a) Every part of a required yard shall be open to the sky except ordinary projections not over eighteen (18) inches, except that a roof, gutter or eaves, awning or canopy may project to the extent of four (4) feet, providing at least three (3) feet remains open to the sky between the farthest projection of the roof, gutter or eaves, awning or canopy and the side property line.
- (b) A carport or porte-cochere, attached to or detached from the main building, may be constructed in a required side yard and may be attached to an enclosed accessory building; provided, that no wall of such accessory building is less than fifty (50) feet from the front lot line nor less than three (3) feet from the side lot line; provided further, that such carport or porte-cochere is at least three (3) feet removed from the nearest side lot line, and that the combined length of such carport and accessory building does not exceed thirty (30) feet, and that the height of such carport or accessory building does not exceed fourteen (14) feet. A carport attached to the main building shall be unenclosed on the street side and on the side nearest the side lot line; a carport detached from the main building shall be unenclosed on the street side and on both sides approximately paralleling the side lot line.
- (c) An open unenclosed uncovered porch, terrace or steps not greater in elevation than the ground floor may project into a required front yard a distance not more than ten (10) feet, but in no case no more than half the distance from the building line to the front property line, or project into a required side yard to a point not closer than three (3) feet to any side lot line. This shall not be interpreted to include or permit fixed marquees or canopies except where otherwise provided herein.
- (d) On a corner lot in any district, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are ninety (90) feet distant from the point of intersection measured along said street lines.

*22-9-6. Regulation of accessory buildings:*

- (a) The following provisions shall regulate the location of accessory buildings with respect to required yards:
  - (1) Accessory buildings shall be prohibited in any required front yard or side street side yard.
  - (2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.
  - (3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.

- (4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.
- (b) Accessory buildings shall not exceed one (1) story or fourteen (14) feet in height except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural zone.
- (c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than forty (40) percent of the required rear yard, and in no case shall it exceed the lot coverage nor the total square footage of the building to which it is accessory.
- (d) There shall not be more than one (1) accessory building or structure permitted to cover any part of a required rear or side yard with the following exceptions:
  - (1) Dish antennas in any zone.
  - (2) A second accessory storage shed, gazebo, cabana, greenhouse or similar structure shall be permitted so long as the total square footage of all accessory buildings in the required rear yard does not exceed forty (40) percent of this area.

22-9-7. *Reserved.*

22-9-8. *Exceptions and modifications to use regulations:*

- (a) Power plants, heating or refrigerating plants, or apparatus or machinery which are accessory to permitted uses in the A-1 Rural District and in the R-1, R-2, R-3, Residential Districts shall be permitted in these districts only if so placed and operated to cause the least inconvenience to owners and tenants of adjoining lots and buildings, and provided that all of the abovementioned activities comply with existing parish ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare, or other nuisance.
- (b) Existing railroads and utilities may continue to be operated and maintained in residential and commercial districts but no new railroad or utility structure other than the usual poles, transformers and similar appurtenances, wires, underground utilities, electric substation and gas metering and pressure-regulating stations shall be established in such districts except when so authorized by the board of zoning adjustments.
- (c) No riverboat gaming establishment may be located closer than one-thousand (1,000) feet from a residence, school, or church. Riverboat gaming establishments shall be landscaped and provide buffer and/or screening and shall have adequate utility and fire protection services as per parish, state and federal regulations. Design shall be subject to approval per conditional use standards. Any proposals for riverboat gaming establishments shall include plans for docking facilities, analysis of the traffic

generated on and offsite, and any other documentation required by the planning commission. No building permit shall be issued for any riverboat gaming establishment until all required state and federal permits are acquired.

- (d) Fences, not exceeding seven (7) feet in height, may be erected along the boundaries of a lot or yard area, one (1) segment of which may be erected in each required side area, in alignment approximately parallel to the front lot line and connecting the main building with a fence on or along a side lot line. However, no fence may exceed eighteen (18) inches in height when erected along the boundary line of a required front yard. (See subsection 22-9-5(d) for corner lot exception.) Seven-foot high fences may be erected along the side lot line of required front yards adjacent to undeveloped tracts of land provided the fence is removed to the required front setback or an eighteen-inch height when the undeveloped property is subdivided. In such cases the two-year prescription period shall not apply.
- (e) Temporary buildings used in conjunction with construction work only may be permitted in any district during the period the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
- (f) Where the boundary line of a commercial or industrial district abuts a residential district, the property within three hundred (300) feet next adjoining to either side of such commercial or industrial district may be used for off-street parking on the site of such commercial or industrial use and shall be subject to the following conditions:
  - (1) This provision will not apply when the districts are on opposite sides of a street or to gaming establishments.
  - (2) The parking area shall serve only the establishments abutting such parking area.
  - (3) The front yard requirements of the residential district in which such off-street parking is to be provided shall be observed.
  - (4) Along the lot lines of the parking area abutting on the residential district there shall be established and maintained a landscaped area having a minimum width of four (4) feet which shall be maintained in a healthy growing condition. A privacy fence which screens the parking lot from the public view shall be erected and be no less than six (6) feet nor more than seven (7) feet in height.
  - (5) Lighting facilities when provided shall be so designed that light is reflected away from residential properties.
  - (6) All parking areas shall be surfaced with concrete or bituminous materials and shall be maintained in a dustfree condition. However, outdoor recreational facilities such as stadiums and game fields which are owned and operated by a school and which are not used on a daily basis may be constructed using an aggregate surface course provided all provisions of section 22-6-1(e) are met.
  - (7) The zoning administrator certifies that all requirements are satisfactorily contained on a plan submitted by the applicant.

(8) All above requirements must remain in effect as long as the commercial and industrial uses exist for which the parking area is required.

(g) Screening for barrooms, nightclubs and lounges abutting any residential district, requires a minimum seven-foot high opaque, solid non-transparent privacy fence.

22-9-9. *Conditional uses.* The purpose of the "conditional use" provision is to provide for certain uses which, because of their unique characteristics, cannot be classified properly in any particular district or districts without special consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

Such uses are generally of a public or semipublic nature and are often essential and desirable for the general convenience and welfare. Because of their unique characteristics, however, each of these uses requires the exercising of planning judgment.

Conditional uses shall be authorized by the parish council in accordance with the provisions of this chapter.

(a) **Standards For Conditional Use:** A conditional use shall be authorized by the parish council only when said use complies with all of the following provisions:

- (1) Said use is necessary to promote the public interest at that location.
- (2) Said use is designed, authorized and proposed to be operated so that the public health, safety and welfare will be protected.
- (3) Said use will not cause substantial injury to other property in the neighborhood in which it is to be located.
- (4) Said use conforms to all district regulations of the applicable district in which it is to be located unless other provisions are specifically set forth in the requirements governing specific conditional uses.
- (5) Said use conforms to any additional conditions which shall be determined necessary by the parish council, upon recommendation of the parish planning commission, to secure the general objectives of this chapter so as to not adversely affect other properties in the neighborhood. Such additional conditions shall be established where applicable as necessary to provide:
  - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire.
  - b. Off-street parking and loading area where required, with particular attention to the item (a)(1) above and economic, noise or glare effects of the conditional use on adjoining properties and the property in the district.
  - c. Refuse and service areas, with particular reference to the items in (a)(1) and (2) above.
  - d. Utilities, with reference to location, availability and compatibility.

- e. Screening and buffering, with reference to type, dimensions and characteristics.
- f. Control of signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with property in the district.
- g. Required yards and open space.
- h. For the general compatibility with adjacent or neighboring land uses and zoning the area.

The foregoing standards of development shall not be subject to waivers that could be granted under section 22-10, Board of Zoning Adjustments. Where the zoning ordinance or parish council establishes conditions for a particular conditional use in a given zone, such conditions are the minimum requirements for the use and may not be waived or varied by the board.

- (b) **Applicational Procedures For Conditional Uses:** Application for a conditional use shall be made in the following manner:
  - (1) Copies of a preliminary site plan shall be filed with the parish council through the parish planning commission. The preliminary site plan shall comply with the requirements of this section and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decision of the parish council and the planning commission.
  - (2) The preliminary site plan shall be clearly drawn to a scale as specified below and shall show the following:
    - a. The proposed title of the project and the name of the individual or firm preparing the plan.
    - b. The northpoint, scale and date; the scale of the site plan shall be as follows:
      - 1. For projects containing more than two hundred (200) acres, not more than two hundred feet to one inch (1"=200').
      - 2. For projects containing more than one hundred (100) acres to two hundred (200) acres, not more than one hundred feet to one inch (1"=100').
      - 3. For projects containing one hundred (100) acres or less, not more than fifty feet to one inch (1"=50').
    - c. Existing zoning and zoning district boundaries.
    - d. The boundaries of the property involved, the general location of all existing easements, sector lines, and property lines, existing streets, buildings, or waterways, and other existing physical features in or adjoining the project.
    - e. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground utilities and structures in or near the project.

- f. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
- g. Location with respect to each other and to lot lines and the approximate height of all proposed buildings and structures, accessory and main, or major excavations. The location should be drawn to scale but full dimensioning is not required on the preliminary plan.
- h. Preliminary plans and elevation of the building(s) as may be deemed necessary.
- i. General location, height, and material of all fences, walls, screen planting and landscaping.
- j. Proposed location and character of all uses, accessory or main.
- k. General location, character, size and height, and orientation of proposed signs.
- l. A tabulation of the total gross area in square feet of any building(s) in the proposed development.

The parish planning commission may establish additional requirements for preliminary site plans, and in special cases may waive any particular requirement(s) if, in its opinion, the inclusion of such requirement(s) is not essential to a proper decision on the project.

The parish planning commission shall review the site plan for compliance with the requirements of this chapter. Before recommending approval of the site plan, the planning commission may recommend additional requirements, especially those relating to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening accessways, curb cuts, traffic control, height and set back of buildings, limitations on time of day or night for operating, all in the interest of protecting adjoining residentially zoned lots or residential uses.

Following approval of the parish planning commission, a final site plan in the form of a final plan shall be prepared, filed and recorded in the Conveyance Office of St. Bernard Parish not later than thirty (30) days following date of approval or said approval shall be deemed null.

This final plat shall comply with the requirements of this section and applicable laws, regulations and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved, filed and recorded plat, a copy of which shall be filed with the department of safety and permits.

This final plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions and, in addition, shall show all of the features required on the preliminary site plan with sufficiently accurate dimensions and construction speci-

cations to support the issuance of building permits. The parish planning commission may recommend approval of the final site plan even though it contains minor variances for the preliminary plan.

If required by the parish council after recommendation by the parish planning commission, a surety bond shall be filed or deposited in escrow with the parish for a sum sufficient to ensure completion of requirements as may be imposed by the parish council in accordance with this section.

- (c) **Public Notice and Hearing:** No application for a conditional use shall be acted upon by the parish planning commission without compliance with and under the conditions specified in section 22-14 of this chapter. The parish council may approve, modify or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature and which would not have an adverse influence on existing or future development of the subject property or other property in the neighborhood. Any such condition shall be recorded in the board's minutes and on the conditional use permit.
- (d) **Amendments to Approved Conditional Uses:** Any conditional use may be corrected, changed, altered or adjusted by written application by the applicant to the parish council. There must also be furnished a map or maps which will delineate any corrections or changes requested, and any other pertinent data proper for the understanding of the matter. A copy of the application, together with such map(s) and other supporting data, shall, upon request of the parish planning director or parish council, be submitted to the engineering department and the sewerage and water board for their review and recommendation.
- (e) **Noncompliance:** The parish council shall have the power to revoke any conditional use permit for noncompliance with specified conditions. Furthermore, the parish council shall have a right of action to compel any uses or structures in noncompliance to be removed at the cost of the violator, together with any attorney fees.

22-9-10. *Performance standards.* All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the State of Louisiana.

All uses shall be so operated as to comply with the performance standards described in this section below, and, in addition to the performance standards hereinafter specified, all uses shall be so constructed, maintained and operated as not to be injurious to the use and occupation of the adjacent premises by reason of the emission or creation of noise, vibration, radiation, fire and explosive hazard or glare.

Nothing in this subsection shall be construed to alter, change, modify or abrogate any authority granted exclusively to any state agency.

- (a) **Smoke, Dust, Particulate Matter, Toxic or Noxious Waste Materials:** All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the Louisiana Department of Environmental Quality.

- (b) Radiation Hazards: All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the Louisiana Department of Environmental Quality.
- (c) Vibrations: No use shall be operated so as to produce ground vibration, noticeable without instruments, at the lot line of the premises on which the use is located.
- (d) Electromagnetic Interference: No use, activity or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.
- (e) Fire and Explosion Hazards: Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the building code of the parish, all applicable fire prevention codes and any other parish ordinance.
- (f) Humidity, Heat or Glare: In I-1, light industrial zones any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that steam, humidity, heat or glare is not perceptible at any lot line.

In heavy industrial districts any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam humidity, heat or glare is not perceptible at or beyond the boundary of the district in which the use is located or at or beyond any residential or commercial district boundary.

*22-9-11. Regulation of front entrance placement.*

- (1) On any lot except corner lots in any district the front entrance to the residence must be placed facing the street bearing the municipal address of the building.
- (2) On a corner lot in any district the front entrance will be located on the selected municipal address as determined by the property owner and approved by Community Development Department, however setback restrictions will be determined by the depth of the lot.

(Ord. of 6-1-65, § IX; Ord. No. 25-78, §§ 1—3, 7-18-78; Ord. No. 21-81, 6-16-81; Ord. No. 26-83, § 1, 9-15-83; Ord. No. 17-85, § 1, 4-2-85; Mo. of 7-2-85; Ord. No. OPC-5-89, 4-4-89; Ord. No. OPC-6-89, 5-2-89; Ord. No. OPC-12-90, 11-13-90; Ord. No. SBPC-77-08-93, 8-3-93; Ord. No. 222-08-95, 8-15-95; Mo. of 9-19-95; Ord. No. SBPC-272-06-96, § I, 6-4-96; Ord. No. SBPC-273-06-96, 6-25-96; Ord. No. SBPC-306-11-96, §§ I, II, 11-5-96; Ord. No. SBPC-358-12-97, § I, 12-2-97; Ord. No. SBPC 523-03-02, § I, 3-19-02; Ord. No. SBPC 555-07-03, § III, 7-1-03; Ord. No. SBPC 829-04-08, 4-1-08)

**Editor's note**—As per the city's instructions, provisions contained in subsection 22-9-7(f) have been deleted in their entirety. Said provisions pertained to portable signs.

**Sec. 22-10. Board of zoning adjustments.**

22-10-1. *Creation and appointment.* Pursuant to Section 7 of the enabling act, the board of zoning adjustments is hereby created. The word "board," when used in this section, shall be construed to mean the board of zoning adjustments. The board shall consist of five (5) members who shall be appointed by the St. Bernard parish council and shall be residents, owners of real

property and qualified voters. The membership of the board shall serve, respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. All members shall be removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filed for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman who shall serve for one (1) year.

22-10-2. *Rules of procedure.* The board shall adopt rules of procedure not in conflict with any state act or parish ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record. All testimony, objections thereto and rules thereon shall be taken down by a reporter employed by the board for the purpose. In exercising its powers and duties, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator.

The concurring vote of four (4) members will be required when all members are present to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the application on any matter upon which it is required to pass under any such ordinance or to effect any variance of such ordinance. When less than five (5) members are present and a quorum exists, then a minimum of three (3) votes shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the application on any matter upon which it is required to pass under any such ordinance or to effect any variance of such ordinance.

22-10-3. *Appeals.* Appeals to the board may be taken by any party aggrieved or by any officer, department, commission, board, bureau or other agency of the Parish of St. Bernard, Louisiana, affected by any decision of the zoning administrator. Such appeal shall be taken within a reasonable time by filing with the zoning administrator and with the board a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of adjustments after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustments or by a court of record on application or notice to the zoning administrator and on due cause shown. The board of adjustments shall fix a reasonable time for the hearing of the appeal, give public

notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

22-10-4. *Powers and duties.* The board of zoning adjustments shall have the following powers and it shall be its duty:

- (a) *Interpretation:* To hear and decide appeals involving the interpretation of any provision of this chapter or when it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator in enforcement of this chapter.
- (b) *Grant of Exception:* In hearing and deciding appeals, the board shall have the power to grant exceptions in the following instances:
  - (1) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the official zoning maps, where the district boundaries are uncertain or where the street layout actually on the ground varies from the street layout as shown on the zoning map.
  - (2) Permit the erection and use of a building or the use of land for railroads or public utility purpose.
  - (3) Permit private utilities, railroads, temporary commercial amusements or recreation developments, airports, radio and television broadcasting towers.
- (c) *Variance:* To vary or adopt the strict application of the yard requirements or height restrictions, or parking and sign regulations in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application would deprive the owner of the reasonable use of the land in accordance with the use regulations of this chapter; to waive or reduce the parking requirements wherever the use of a building or land is so extraordinary as to make unnecessary the full provision of parking facilities, or wherever it can be shown that provision of required off-street parking space within three hundred (300) feet of the main building is not feasible and would impose an unreasonable hardship as contrasted with merely granting an advantage or a convenience; to approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located. In granting any variance, the board of adjustments shall prescribe any conditions that it deems to be necessary or desirable. No variance shall be granted by the board of adjustments unless it finds:
  - (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  - (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under this chapter.

- (3) The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had an interest in the property.
  - (4) Granting the variance requested will not confer on the applicant any special privilege which is denied by this chapter to other lands, structures, or buildings in the same zoning district or similarly situated.
  - (5) The variance, if granted, will not alter the essential character of the locality.
  - (6) Strict adherence to the regulation for the property would result in demonstrable hardship upon the owner, as distinguished from mere inconvenience.
  - (7) The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested parties.
  - (8) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood which the property is located.
  - (9) The proposed variance will not impair an adequate supply of light and air adjacent to the property, or increase substantially the congestion in the public street, or increase the danger or fire, or endanger the public safety.
- (d) Court Review: Any person or persons, or any office, department, commission, board, bureau or any other agency or the Parish of St. Bernard, Louisiana, jointly or severally aggrieved by any decision of the board of zoning adjustments, may present to the Thirty-Fourth Judicial District Court of the Parish of St. Bernard, within thirty (30) days after filing of the decision in the office of the board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.
- (e) Fees: A fee of fifty dollars (\$50.00) shall be paid to the zoning administrator at the time the notice of appeal is filed, which the zoning administrator shall forthwith pay over to the parish treasurer to the credit of the general revenue fund of the Parish of St. Bernard, Louisiana.
- (Ord. of 6-1-65, § X; Ord. No. SBPC-1134-09-09, §§ 1, 2, 9-1-09)

#### **Sec. 22-11. Administration.**

22-11-1. *Enforcement.* It shall be the duty of the zoning administrator to enforce this chapter. It shall also be the duty of all officers and employees of the Parish of St. Bernard, Louisiana, and especially of all members of the sheriff's office, to assist the zoning administrator by reporting to him upon new construction, alterations, relocations, repairs or land uses, or upon seeming violations. Appeals from the decision of the zoning administrator may be made to the board of zoning adjustments as provided in section 22-10 of this chapter.

22-11-2. *Building permits.* No building or structure shall be erected, altered, repaired or relocated until a permit therefor has been issued by the zoning administrator. The application

for and issuance of such permits shall be in accordance with the requirements of the parish engineer, except that no permit shall be issued until application for a certificate of zoning compliance has been made and approved.

22-11-3. *Certificate of zoning compliance.* No change in the use or occupancy of land or of an existing building shall be made, nor shall any new building be used or changes in use made until a certificate of zoning compliance shall have been issued by the zoning administrator, stating that the proposed use of the building or land complies with the provisions of this chapter. The issuance of such a certificate shall be in accordance with the following procedure:

- (a) Application for a certificate of zoning compliance shall be made coincident with the application for a building permit. After determining that the proposed erection, alteration, relocation or change in use is in compliance with the provisions of this chapter, each such application shall be approved by the zoning administrator.
- (b) All applications for a certificate of zoning compliance shall be accompanied by three (3) copies of a layout or plot plan drawn to scale, showing the actual dimensions of the lot to be built upon; the size, height and location of the building or buildings to be erected, converted, enlarged, reconstructed, structurally altered or relocated; the size and location of any buildings on the lot; and such other information as may be necessary to provide for the enforcement of these regulations. All required parking areas and access driveways must be shown and the individual car stalls clearly indicated. A careful record of such applications and plats shall be kept in the office of the zoning administrator.
- (c) When making application for a certificate of zoning compliance, the following investigation and compliance fees shall be paid:
 

(1) Accessory buildings, home occupations and signs: .....	\$ 3.00
(2) Dwellings, semipublic buildings, commercial or industrial uses not involving erection, alteration, repair or relocation: .....	5.00
(3) Business, commercial or industrial uses involving erection, alteration, repair or relocation: .....	10.00
- (d) A final certificate of zoning compliance shall be issued by the zoning administrator within ten (10) days after the completed work shall have been inspected and approved as complying with the provisions of this chapter.
- (e) The zoning administrator shall maintain a record of all certificates, and copies shall be furnished, upon payment of one dollar (\$1.00) each, to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. of 6-1-65, § XI)

**Sec. 22-12. Violation and penalty.**

22-12-1. *Violation.* In case any building or structure is erected, structurally altered or maintained, or any building, structure or land is used in violation of this chapter, any proper officials of the Parish of St. Bernard, Louisiana, or their duly authorized representatives, in

addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, use or other violations; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. Each day such violation continues shall constitute a separate violation. The zoning administrator may call upon the sheriff to furnish him with the necessary police personnel to carry out his orders.

22-12-2. *Penalty.* The owner or general agent of a building or premises where a violation of any provision of this regulation has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part in, assists in any such violation, or maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable either by a fine of not less than twenty dollars (\$20.00) and not more than one hundred dollars (\$100.00) or not more than ninety (90) days' jail sentence, or both, for each and every day that such a violation continues.  
(Ord. of 6-1-65, § XII)

#### **Sec. 22-13. Amendments and petitions.**

22-13-1. *Initiation of amendments.* The police jury may, from time to time, amend, supplement or change the regulations, restrictions or boundaries herein or subsequently established. Such amendment, supplement or change may be initiated:

- (a) By action of the police jury by introduction of an ordinance or by adoption of a motion.
- (b) By recommendation of the planning commission.
- (c) By petition of property owners.

22-13-2. *Petitions.* Petitions by property owners for the amendment, supplementation or change of the zoning ordinance shall be filed with the police jury through the planning commission. In filing such petitions, the following rules shall apply:

- (a) No petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision.
- (b) Each petition for a change in the classification of property shall conform to such standards and requirements as the planning commission shall adopt.
- (c) Each petition shall be accompanied by a deposit of two hundred fifty dollars (\$250.00) for each text change. Under no conditions shall such sum or any part thereof be refunded for failure of said change to be adopted by the police jury.

- (d) Whenever a petition is filed requesting a change or amendment to this chapter, and said petition has been finally acted upon by the police jury, or when said petition has received no action on the part of the police jury within ninety (90) days, or when such petition has been officially advertised for public hearing but has subsequently been withdrawn either before or after said public hearing has been held, then the police jury shall not consider any further petition requesting or proposing such change or amendment for the same property within a period of two (2) calendar years from the date of the police jury's final legal action on said petition or from the aforesaid ninety-day period in case action has not been taken by the police jury, or from the date of withdrawal of said petition, provided, however, that said petition has been officially advertised. This provision shall not apply in cases where the police jury wishes to consider a petition involving a comprehensive zoning revision of an area larger than twenty (20) acres.

(Ord. of 6-1-65, § XIII; Ord. No. 7-80, 4-1-80; Mo. of 7-14-87)

**Sec. 22-14. Amendment procedure.**

No official amendment, supplement or change of the zoning ordinance or zoning maps shall become effective unless and until:

- (1) There shall have been held a public hearing in relation thereto before the planning commission at which parties in interest and citizens shall have had an opportunity to be fully heard.
- (2) Notice of the proposed change and of the time and place of the hearing shall have been published for three (3) consecutive weeks in the official journal of the Parish of St. Bernard, Louisiana. At least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the proposed change and of the time and place of the hearing shall have also been mailed by registered mail at least fifteen (15) days prior to the public hearing to adjacent property owners. Notification to additional occupants/owners will be sent by the department of community development via U.S. mail to all occupants/owners in the square or tract of land to be re-zoned up to five hundred (500) feet.
- (3) After the public hearing as provided above, the planning commission shall have submitted its report and recommendations upon the proposed change and amendment to the council. The council shall not take official action upon the change and amendment until the report of the planning commission has been received; provided, however, that if the report has been filed within forty-five (45) days after the date of the public hearing, the council may then take official action upon the change or amendment.
- (4) A final yea or nay vote shall have been taken on the proposal by the council within ninety (90) days from the introduction of any ordinance, or the adoption of a motion by the council, or from the filing of the petition of property owners or owner in correct form.

- (5) The provisions of this section does not apply in cases where there is a proposal to enact an entire new ordinance to change the text as a whole, or to change all of the official zoning maps, or both, in which event the procedure set out in the enabling legislation shall be followed.
  - (6) In matters concerning changes to the official zoning maps, if the whereabouts of the owners and adjacent property owners are unknown and cannot be ascertained by the use of reasonable diligence, and the director/secretary of the planning commission makes an affidavit to that effect, the notification of the proposed change may be given by public notice per subparagraph (2) above and by posting a sign in a conspicuous place on the premises affected by the change. A copy of the public notice shall be kept on file in the offices of the planning commission. The sign shall give the current zoning, the proposed change, and the date, time and location of the public hearing. This filing of the public notice shall serve as the filing of lis pendens notice. Sign shall be yellow in color with black print. Size of sign shall be 2' x 4' for properties six thousand five hundred (6,500) square feet or smaller, and 4' x 4' for properties greater than six thousand five hundred (6,500) square feet.
- (Ord. of 6-1-65, § XIV; Ord. No. OPC-13-88, 11-10-88; Ord. No. SBPC-431-09-99, § I, 9-21-99)

**Sec. 22-15. Interpretation.**

In interpreting and applying the provisions of this chapter, these shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this chapter imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this chapter shall control.

(Ord. of 6-1-65, § XV)

**Sec. 22-16. Validity.**

If any section, subsection, paragraph, sentence or phrase of this chapter shall for any reason be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter which shall continue in full force and effect.

(Ord. of 6-1-65, § XVI)

**Sec. 22-17. Repeal of conflicting ordinances.**

All zoning ordinances or parts of zoning ordinances in conflict herewith are hereby repealed; provided, however, that all suits at law or in equity and/or all prosecutions resulting from the

violation of any zoning ordinance heretofore in effect which are now pending in any of the courts of this state or of the United States shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this chapter had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may have heretofore been instituted or prosecuted.  
(Ord. of 6-1-65, § XVII)

**Sec. 22-18. Amendments to Zoning Ordinance.**

Section XVIII of the Zoning Ordinance of June 1, 1965, reprinted in 1982, contained ordinances which were considered amendatory or supplementary. These ordinances are listed below, along with their disposition in either this chapter or in other parts of the Code of Ordinances:

<b>Ordinance Number</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
21-70	10- 6-70	Mobile homes	§§ 12-1—12-20
11-73	1- 9-73	Zoning	§§ 22-5-6, 22-6-2, 22-9-3
11-74	7- 2-74	Swimming pools	§§ 5-110—5-114
9-75	7- 1-75	Swimming pools	§ 5-114
5-78	2-14-78	Mobile homes	§§ 12-60—12-66
23-78	6- 6-78	Animals	§ 4-7
2-80	2-21-80	Zoning	§ 22-5-6
8-80	4- 1-80	Subdivisions	App. A, § 1-A(1.5)
26-81	8- 4-81	Parking	§ 20-144.1
29-82	9-14-82	Mobile homes	§§ 12-62, 12-63

This list is not inclusive of all amendments to the Zoning Ordinance, but contains only those ordinances included under § XVIII of the 1965 Zoning Ordinance at the time of its publication in 1982. For other ordinances amending these Zoning Ordinances, see the Code Comparative Table at the back of this volume.

**Sec. 22-19. Sign Regulations.**

22-19-1. *Purpose.* The purpose of this section is to provide comprehensive regulations for signs within St. Bernard Parish, to facilitate the location and choice of signs, to avoid visual clutter that is potentially harmful to vehicular and pedestrian safety, to protect property values, to promote business opportunities, and to provide for a pleasing environmental setting.

22-19-2. *Definitions.*

*Abandoned sign:*

- (1) A sign that no longer correctly proclaims any person, business, lesser, owner, entity, or product, on or off premises; or

- (2) A sign in disrepair that has not been maintained for a period of any ninety (90) days;  
or
- (3) Any sign with no message other than one (1) advertising available lease or owner information, for a consecutive one hundred eighty (180) days.

*Address sign:* A sign which communicates only the numeric address of the premises on which it is located.

*Attached sign:* Any sign which is connected physically to and which derives structural support from a building or building appendage or adornment.

*Audible sign:* A sign which is designed to or which does produce any sound.

*Awning sign:* Any sign placed on an awning that is supported entirely from the exterior wall of a building, and is composed of a cloth, plastic, or nonstructural covering; also, the awning itself, when words or images of advertisement or information are contained thereon.

*Banners, banner signs, flags, seals:* A sign having letters, characters, illustrations, or ornamentations applied to cloth, paper, or other lightweight material which allows for movement caused by the atmosphere, designed to express a message or identify a place, person, idea, or any thing other than duly adopted flags or seals of municipalities, parishes, states, or nations.

*Beacon:* A strong or bright light focused on or pointed in one (1) or more directions.

*Bench Sign:* A sign painted on or attached to a bench or a shelter, or other non-mobile structure, provided for a person awaiting public transportation.

*Billboard sign:* A freestanding sign used for selling advertising space.

*Changeable message sign:* A sign on which the message or sign panels may be changed electronically or manually through the removal, replacement, or rearrangement of letters, symbols, blocks, or panels designed for attachment to the sign.

*Construction sign:* Any temporary sign erected and maintained by an architect, contractor, developer, financial institution, materials supplier, or subcontractor on sight for which said person or persons is presently furnishing labor, materials, services, or capital financing.

*Facade sign:* Any sign painted on or mounted against the surface of a front or side wall of a building, or any wall which is an essential part of the landscape design of the site, such as a wall screening for off-street parking.

*Flashing sign:* A light or light source or a reflection of a light source, which is intermittent.

*Freestanding sign:* Any sign that is supported only by a structure secured in the ground, which does not affect traffic safety by obstructing vision, and which is independent of any building, fence, support wires, vehicles, or other such objects for support.

*Identification sign:* A sign that is limited to name, address, person, or entity of a building.

*Laser:* Any device that emits a narrow, intense beam of light waves that have been amplified and concentrated by stimulated atoms, or the light produced by such a device.

*Marquee sign:* Any sign attached to a marquee, which is a permanent roof-like structure that projects beyond a building wall at an entrance to a building or extending along and projecting beyond a building's wall and constructed to provide protection against the weather. Signs painted or sewn onto awnings shall be considered marquee signs.

*Monument sign:* Any free-standing ground sign (a) which is of monolithic construction; (b) If supports are used, they must not exceed twenty-four (24) inches in height, measured from the ground surface; (c) A double-faced monument sign shall be constructed back-to-back, unless visibility of such sign would be impeded, in which case the two (2) sides may form a V-shape, in which the interior angle does not exceed forty-five (45) degrees.

*Neon sign:* Any colored tubular lighting that is bent or formed into lettering or a design of which the primary source of light is gaseous. Anything within the outline of the neon will be considered part of the sign face.

*Non-conforming sign:* A sign which was legally erected and maintained prior to such time as it came within the purview of this Code and any amendments thereto, and which fails to conform to applicable regulations and restrictions of said Code, or a non-conforming sign for which a special permit has been issued.

*Off-premise Sign:* Any sign directing persons to a different location other than that on which sign is located, and which identifies goods, products, or services not available on the premises on which the sign is located.

*On-premise sign:* A sign identifying or advertising a person, business, activity, or product or service located on the premises where the sign is installed.

*Pole sign:* A sign erected on a pole, and which is wholly independent of any building for support.

*Political sign:* A temporary sign urging the election or defeat of any political candidate, group, or agent thereof, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial or advertising firm when leased or used as a political sign.

*Portable sign:* A sign not permanently attached to the ground, a building, or other structure; a sign designed to be moved from place to place.

*Projecting sign:* Any sign other than a wall sign that is affixed to any wall or building, which has a leading edge extending twelve or more inches beyond such wall or building. There are two (2) types:

- (1) *Fixed*—fixed rigidly to building or wall; and
- (2) *Swinging*—has only one (1) rigid support.

*Real estate sign:* A temporary sign erected by the owner or owner's agent, pertaining to the sale, lease, or rental of property on which sign is erected.

*Revolving/rotating sign:* A sign whose face is designed to turn on an axis.

*Sign:* Defined as a medium of communication; a display of letters, characters, illustrations, or ornamentations; includes its structure and component parts, but not guy wires or the poles to which they are attached.

*Sign area:* The square footage of the area enclosed within the perimeter of the sign face, with each face contributing to the composite area of any sign. In the case where there is no distinguishable geometric shape, the simplest geometric shape or rectangle enclosing the outer edges of the message shall determine the sign area. For back-lighted awnings, the entire area of the awning shall be considered the sign area.

*Sign face:* The part of the sign that can be used to identify, advertise, inform, communicate, or convey a visual representation that attracts attention of the public, for any purpose. It includes any background material, panel, trim, frame, color, and lighting that differentiates the sign from the building, structure, or object upon which it is mounted or against which it is placed.

*Sign height:* Defined as the vertical distance from the finished grade to the highest point of the sign or sign structure.

*Sign structure:* The supporting structure upon which a sign or sign face is attached or displayed, having its primary purpose the support or display of the sign; does not include a building or fence.

*Snipe sign:* One (1) that is tacked, nailed, posted, taped, pasted, glued, or otherwise attached to poles, trees, stakes, walls, trash receptacles, fences, or other like objects. Legal notices required by law are exempt.

*Street banner sign:* Any banner sign that is stretched across and hung over a public right-of-way.

*Subdivision sign:* A sign identifying the subdivision and designating the entrance or exit to such subdivision.

*Temporary Sign:* A sign pertaining to a specific event or situation that is expected to occur and be completed within a reasonably short time period after the erection of such sign.

*Trailer sign:* Any sign or sign structure that is attached to or made up of in whole or in part of a trailer, or any parts thereof that were previously a whole or part of a trailer.

*Vehicle sign:* A sign that is displayed on or from any mode of transportation.

*Window sign:* Any sign that is painted on, applied to, attached to, or projected onto the interior or exterior of a building's glass area, including doors, or that which is located within one foot of the interior of a building's glass area, which can be perceived from any off-premises contiguous property or public right-of-way.

22-19-3. *Prohibited signs.*

- (a) Abandoned signs.
- (b) Audible Signs.
- (c) Beacons.
- (d) Flashing signs.
- (e) Lasers.
- (f) Portable signs. Any sign, display or advertising device initially designed for being moved or transported and not attached permanently to a foundation or a permanent location on the building site and other portable signs are strictly prohibited and no variance or special exception shall be granted authorizing such a sign. No sign shall be placed on a public street median. All such existing signs shall be removed.
- (g) Projected signs.
- (h) Revolving/rotating signs.
- (i) Snipe signs.
- (j) Trailer signs.
- (k) Vehicle signs.
- (l) Any sign not specifically defined and allowed by this section.
- (m) Any sign which consists or comprises of deceptive, immoral, or scandalous matter, or that presents a message, picture, or letter combination which is offensive to good taste and decency.

22-19-4. *Exempt signs.*

- (a) Official notices posted by any court, public agency, or officer.
- (b) Historic plaques.
- (c) Traffic, directional, warning, or informational signs authorized by any public agency.
- (d) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (e) Private directional signs, not to exceed four (4) square feet in sign area, per sign.
- (f) Indoor neon signs, not to exceed six (6) square feet in area are allowed at or near windows, providing said signs do not exceed twenty-five (25) percent of the area of such window.

22-19-5. *Dimensions, conditions, and restrictions for sign types.*

- (a) *Address signs.* Non-illuminated address signs in nonresidential and mixed-use districts are not required to obtain a permit, but are a minimum requirement for all structures. They are not to exceed eight (8) square feet, in sign area. The minimum

setback is five (5) feet and the maximum height shall be two (2) feet from the ground. Such signs shall be located on or within ten (10) feet of primary public entrance of the premises.

- (b) *Awning/awning sign.* Occupants for a commercial, industrial, institutional building or any use other than residential, is allowed an awning sign, also referred to as an awning. Awning signs shall be used in lieu of a wall sign. Also known as a "marquee sign."
- (c) *Banners, flags, seals.* Banners, flags, and seals will be allowed for not more than two (2) times, for special events and grand openings, for one business entity or applicant. The issuance of the temporary permit will be issued by the department of community development, and will be good for only fourteen (14) days. Applications must include: the name of the person, firm, corporation, or organization sponsoring said event, location(s) where sign(s) will be installed, and dates sign(s) will be displayed. Signs may not exceed thirty-two (32) square feet, and will be limited to up to two (2) banners, flags, or seals per premise. Seasonal banners such as, but not limited to, those which are attached to light standards within a shared parking lot of a multi-occupant premise or residential neighborhood may be allowed, upon review by and approval of the department of community development. Said signs shall not exceed eight (8) square feet in area. The total number of signs, location(s), and method of attachment must be approved by the department of community development. No advertising message on banners will be permitted, but seasonal greetings will be allowed. The name of the multi-occupant premises may be included on signs, but they may not exceed fifty (50) percent of banner area.
- (d) *Changeable signs.* Movie theater signs are allowed changeable message signs without limitation. All other changeable message signs must be incorporated into a sign face, and the changeable component must occupy less than one-half the total sign face area. Change copy, if used, must be located adjacent to or integrated into the sign face. Lettering of changeable signs shall be of uniform size and color. If internal illumination is used, it must be of negative contrast.
- (e) *Construction signs.* Non-illuminated construction signs will be permitted on premises that are being developed or improved, subject to the following requirements:
  - (1) Building permit for construction work must be obtained prior to issuance of construction sign permit.
  - (2) Residential districts. Only one (1) sign per contractor shall be permitted and no sign shall exceed six (6) square feet in sign area, nor three (3) feet in height. The sign shall denote only the architect, contractor, engineer, subcontractor, or financial agency that is providing labor, materials, services, or financial capital for the purpose of construction. The sign(s) shall not be located within ten (10) feet property line, or placed in such a spot as to obstruct traffic visibility.
  - (3) Nonresidential or mixed use districts. Only one (1) sign is permitted by site, and said sign shall not exceed thirty-two (32) square feet in sign area. The sign shall

denote only the architect, contractor, engineer, subcontractor, or financial agency that is providing labor, materials, services, or financial capital for the purpose of construction. The sign shall not be placed in such a spot as to obstruct traffic visibility.

- (4) Construction signs are limited to one (1) per premises, except when site has two (2) street frontages. In such case, one construction sign will be permitted for each street frontage, not to exceed two (2) signs.
- (5) All construction signs shall be removed prior to issuance of certificate of occupancy.
- (f) *Facade signs for residential offices.* Facade signs shall not occupy more than fifteen (15) square feet in area per side and not to exceed five (5) feet in height. Said signs shall not project more than four (4) inches from the face of the building. No portion of any such sign shall extend over parish property.
- (g) *Facade signs:* Facade signs shall not occupy more than one (1) square foot per linear foot of the building frontage.
- (h) *Freestanding signs.*
  - (1) No additional freestanding signs shall be permitted upon the effective date of this section.
  - (2) No additional billboard signs shall be permitted upon the effective date of this section.
- (i) *Identification signs.* For single-family residential districts, identification signs may not exceed three (3) square feet in sign area. In multi-family residential districts, identification signs may not exceed six (6) square feet and must identify only that specific building that is contained in said multi-family dwelling and must be consistent with the permitted use(s) of the residential structure.
- (j) *Marquee signs.* In lieu of a wall sign, an occupant, for a commercial, industrial, or institutional use or for any use other than residential, is allowed one (1) marquee. If the occupant uses a marquee, a wall sign is not permitted. Overall height of marquee sign shall not exceed six (6) feet. Signs painted or sewn onto awnings or canopies shall also be considered marquee signs.
- (k) *Monument signs.* Mounds/berms shall not be more than three (3) feet from ground level of lot and shall be located within a landscaped bed area. Height of monument signs shall not exceed eight (8) feet. Setback from the property line shall be a minimum of five (5) feet. If no building facade is behind monument sign, it may be set back up to fifty (50) feet from the property line. One (1) monument sign per one thousand (1,000) feet of street frontage or fraction thereof in excess of one thousand (1,000) foot increments shall be permitted. If more than one street frontage, then one (1) additional monument sign will be allowed for each one thousand (1,000) feet or fraction thereof in

excess of one thousand (1,000) feet. Single occupancy buildings shall have no monument sign greater than thirty-two (32) square feet; multi-occupancy buildings shall have no monument sign greater than seventy (70) square feet.

- (1) Exception: Businesses located on Paris Road north of the 40 arpent levee shall be allowed signs totaling sixteen (16) feet in height measured from the crown of highway, and shall be allowed a sign no greater than seventy (70) square feet whether single- or multi-occupancy buildings.
- (l) *Neon signs.* Anything within the boundary of the outline of the neon will be considered a part of the sign face. Neon signs shall not be used to illuminate or outline building facades or window or door openings.
- (m) *Non-conforming signs.* Any sign which legally existed prior to (date) may be continued, but will lose its legally conforming status if any of the following occur:
- (1) The sign has been abandoned for more than one hundred eighty (180) days.
  - (2) The building on the premises where the sign is located is no longer allowable according to the St. Bernard Parish Code of Ordinances.
  - (3) The sign is changed in a way, so that it is made less in compliance than with this Code than before the change occurred.
  - (4) The sign is relocated.
  - (5) The sign face is significantly changed, resulting in different sign message.
  - (6) If sign is repaired by more than thirty (30) percent or is desired to be completely replaced, the community development office will allow replacement and/or repair provided that said sign was erected prior to May 2007. Any new sign erected following the passage of the ordinance shall comply with new regulations.

Other non-conforming signs that did not legally exist before this section shall be removed within thirty (30) days of adoption of this section.

- (n) *Political signs.* Political signs shall not exceed thirty-two (32) square feet. Said signs shall be allowed for no more than ninety (90) consecutive calendar days and must be removed within ten (10) days following election for which signs were permitted. If signs are for more than one (1) election, the permit will automatically extend to the tenth day following the subsequent election.
- (1) Political signs are not permitted in public rights-of-way, and are not allowed to obstruct vehicular lines of vision.
  - (2) Said signs are not allowed to be stacked one on top of another, like in billboard fashion.
- (o) *Real estate signs.* Real estate signs shall be limited to one (1) per premise. Sign must be non-illuminated. In residential areas, signs must be limited to five (5) square feet per side, for a total of ten (10) square feet. Sign height cannot exceed five (5) feet in height, if sign is freestanding in nature. In all other districts, signs must be limited to sixteen (16) square feet per sign face, with an aggregate square footage of not more

than thirty-two (32). If sign is freestanding, height cannot exceed seven (7) feet. All real estate signs must be removed within thirty (30) days of property being sold, rented, or leased.

- (p) *Subdivision signs.* Subdivision signs should not be more than forty-eight (48) square feet in area or ninety-six (96) square feet for a two-sided sign. Signs must be located only at entrances to approved subdivisions, and must obtain a permit from the department of community development to construct signs.
- (q) *Window signs.* Window signs shall be permitted as long as they do not prevent said windows from being used as an emergency exit. Also, window signs shall not cover more than twenty-five (25) percent of the square footage of said window.

22-19-6. *Regulation of signs.* All signs hereafter erected on any lot in any district, except official, traffic and street signs, shall conform to the provisions of this paragraph, unless otherwise provided:

- (a) Signs in Residential "R" Districts: In residence districts no sign shall be permitted except the following:
  - (1) A sign, not exceeding two (2) square feet in area, giving the name and/or address only of the land or building on which displayed, or the owner or lessee thereof.
  - (2) A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed twelve (12) square feet in surface area and is unilluminated.
  - (3) Temporary nonilluminated signs, for one (1) year, advertising a new subdivision development of five (5) lots or more, provided such signs do not exceed sixty (60) square feet in surface area, are no more than fifteen (15) feet nor less than two (2) feet above ground, advertise only the development in which they are located, and are erected only at dedicated street entrances.
  - (4) One (1) unilluminated sign identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed twelve (12) square feet in surface area, is no more than fifteen (15) feet or less than two (2) feet above ground, and is removed within thirty (30) days following occupancy of the building.
  - (5) One (1) identification sign, not to exceed thirty (30) square feet in area, for the following uses: church, school, hospital, library, farm, park, clinic or similar uses. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.
  - (6) Directional signs not to exceed two (2) square feet in surface area for the following uses: church, school, hospital, library, sanitarium, clinic or similar use; provided, that each shall be limited to one (1) such sign per major thoroughfare approach. No such sign shall be permitted on minor residential streets.

- (7) One (1) nameplate sign for a dwelling group of four (4) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the buildings or it may be a directory for the occupants.
  - (8) One (1) nameplate sign, no more than four (4) inches in width and eighteen (18) inches in length, indicating the name and occupation or profession of the resident who utilizes the premises for a permitted home occupation.
- (b) Signs in C-1 Neighborhood Commercial Districts: In the C-1 District signs are permitted subject to the following regulations:
- (1) All signs permitted in the "R" districts.
  - (2) The total area of all business signs on a building or lot shall not exceed one hundred fifty (150) square feet or the sum of three (3) square feet for each lineal foot of lot frontage, whichever is the greater. No signal business sign surface may exceed three hundred (300) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet.
  - (3) Advertising sign structures shall be limited to not more than one (1) structure for a lot of 100-foot frontage or less, and to one (1) additional structure for each one hundred (100) feet of additional lot frontage. Such structure may contain not more than two (2) signs per facing nor exceed fifty-five (55) feet in length, and no advertising sign may exceed three hundred (300) square feet in area. No advertising sign shall be erected within fifty (50) feet of an adjoining residential district if designed to face into such district.
  - (4) Coordinated shopping center. Each coordinated shopping center may have one (1) incidental or freestanding identification sign for each street frontage set back at least twenty (20) feet from the front property line and announcing only the name of the shopping center and the hours of business.
- (c) Signs in C-2 General Commercial or A-1 Rural Districts: In the C-2 or A-1 District signs are permitted with the following regulations:
- (1) All signs permitted in the "R" districts.
  - (2) The total surface area of a business sign or signs on a lot shall not exceed six (6) feet for each lineal foot of lot frontage.
  - (3) Advertising sign structures shall be limited to not more than one (1) structure for a lot of fifty-foot frontage or less, and to one (1) additional structure for each fifty (50) feet of additional lot frontage. Such structure may contain not more than two (2) signs per facing nor exceed fifty-five (55) feet length. No advertising sign may be erected within fifty (50) feet of an adjoining residential district if designed to face into such district.

- (4) Coordinated shopping center. Each coordinated shopping center may have one (1) incidental or freestanding identification sign for each street frontage set back at least twenty (20) feet from the front property line and announcing only the name of the shopping center and the hours of business.
- (d) Signs in I-1 and I-2 Industrial Districts: In the I-1 and I-2 Districts signs are permitted subject to the following regulations:
- (1) All signs permitted in the "R" districts.
  - (2) The total surface area of a business sign or signs on a building or lot shall not exceed ten (10) square feet for each lineal foot of lot frontage.
  - (3) Advertising sign structures shall be permitted subject to subsection (e) below.
- (e) General Restrictions: Unless otherwise provided in this chapter, the following regulations shall apply to signs in all districts:
- (1) No sign shall be erected as to prevent free ingress or egress from any door, window or fire escape, and no sign of any kind shall be attached to a standpipe or fire escape.
  - (2) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, it may interfere with or obstruct the view of traffic sight lines or traffic-control devices. If located within direct line of vision of a traffic-control device, no flashing or intermittent red, green or amber illumination shall be used.
  - (3) Any sign affixed flat against the wall of a building and not more than fifteen (15) inches in thickness shall not be deemed a projecting sign. Projecting signs may extend not more than forty-eight (48) inches beyond the building line, or over public property, in no event closer than two (2) feet to the curbline, and shall be at least ten (10) feet above the finished grade of the sidewalk. Wall signs shall not extend more than fifteen (15) inches over public property; however, lighting devices may extend not more than six (6) feet over public property, provided the lowest part of such device is at least fifteen (15) feet above the finished grade.
  - (4) Business and advertising signs are required to observe the same setback, side yard and height limitations as provided for other buildings or structures in the zoned district; provided, that where drive-in service or parking facilities are provided, one (1) business sign, not exceeding forty-five (45) square feet in area, may be erected in any required setback area if it is not located nearer to the street or highway right-of-way line than one-third the required setback distance.
  - (5) The illumination of any sign within fifty (50) feet of and facing a residential zone lot line shall be diffused or indirected and designed to prevent direct rays of light from shining into adjoining residential districts; and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than three hundred (300) feet to dwellings in a residential district.

- (6) Directional or informational signs of a public or quasipublic nature, not exceeding six (6) square feet in area, may be permitted in any district on approval of the zoning administrator. Any illumination shall be nonflashing, uncolored and confined to the face of the sign. No advertising matter whatsoever shall be permitted on signs of this type.
- (7) Temporary signs indicating an event of public interest, such as a state or local fair, local or general election, cattle or horse show, etc., may be erected on a thirty-day, nonrenewable permit in any zone on approval of the zoning administrator.
- (8) Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten (10) days.
- (9) Any business or outdoor advertising sign legally existing prior to the adoption of the ordinance from which this chapter derived and which does not conform to these provisions shall not be altered, or changed in overall dimensions, except to conform to the provisions of this chapter. If damaged to an extent in excess of one-half of its current replacement value, it shall not be rebuilt, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures.
- (10) Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building code for the Parish of St. Bernard, Louisiana.
- (11) To provide reasonable flexibility in these regulations, the board of zoning adjustments may approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located, where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.

22-19-8. Application requirements and fee schedule.

- (a) *Application Requirements.* All applications should include the following information, in duplicate:
  - (1) Name, address, and telephone number of applicant;
  - (2) Permission of premises' owner;
  - (3) Legal description of the property where sign(s) is/are to be constructed;
  - (4) A site plan, depicting the proposed plan of development;

- (5) An illustration of sign(s), including pylons, side views of signs, and any other rendering deemed necessary by the Department of Community Development, to ensure clear understanding of proposed signage;
  - (6) Sizes, materials, and illumination of said signs;
  - (7) Wind loads, IBC requirements.
- (b) *Fees:* When completed application is submitted with required information, a non-refundable application fee according to the following schedule:
- (1) Electrical Signs, plus an electrical inspection by either the St. Bernard Parish Office of Community Development or its licensed designee ..... \$25.00
  - (2) Non-electrical signs ..... 25.00
  - (3) Murals ..... 25.00
  - (4) Temporary signs ..... 25.00
  - (5) Banners ..... 20.00
  - (6) Billboards ..... no new ones to be constructed
  - (7) Political signs shall be exempted from all fees.

A yearly renewal/re-inspection fee shall be paid as follows:

- (1) Billboard sign ..... \$100.00
- (2) All other signs ..... \$15.00

22-19-9. *Enforcement, violations, and penalties.*

- (a) *Enforcement.* The provisions of this section shall be enforced by the sheriff's office, and shall be administered by the director of the department of community development, a parish planner, or, in the absence of these, the building inspector. All such officers shall have the authority and power to make inspections of any signs, sign structures, murals, or premises necessary to carry out their duties in the enforcement of the provisions of this section.
- (b) *Violation.*
  - (1) If any sign or sign structure is erected, structurally altered, or maintained or used in violation of any of the provisions of this article, any proper city official or his or her duly authorized deputies or representatives may begin any appropriate actions or proceedings to prevent such unlawful or illegal act, conduct, or use in or about or concerning any such sign, sign structure, or premises. Each day that any such violation continues shall constitute a separate violation of this section. The director of the department of community development, the parish planner, or the building inspector may call upon the Sheriff of St. Bernard Parish to furnish necessary personnel to carry out his/her orders.

(2) Any resident of St. Bernard Parish who believes that a violation of any of these provisions is occurring may file a written complaint with the department of community development. Such complaint shall include as much information as possible, as to the said violation of the provisions of this article. The director of the department of community development, the parish planner, or the building inspector shall properly record such complaint, investigate the allegations of said complaint, and take any action warranted by such complaint and investigation, as provided for by this section.

(c) *Penalties.* Any person who violates any provision of this section shall be guilty of a misdemeanor, and deemed a public nuisance and upon conviction shall be punished for each separate offense by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both fine and imprisonment.

Each day that any violation of this article occurs shall constitute separate offense.  
(Ord. No. SBPC-701-01-07, § 1, 1-4-07; Ord. No. SBPC-1012-07-09, §§ 1—3, 7-7-09)

### **Sec. 22-20. Planting, maintenance and removal of landscaped trees on public land.**

22-20-1. The purpose of this section is to protect and enhance the community's environment, economic, and aesthetic and decrease storm water runoff from paved areas. 22-20-2. *Definitions.* For the purpose of this section the following terms, phrases, words, and their derivations shall have the meaning given herein.

*Buffer zone:* A landscaped area between any building or vehicular use area and providing a visual screen of vegetation only or in conjunction with a nonliving screening material for the purpose of providing a buffer between non-compatible land uses.

*Community tree plan:* A written document that guides the work of the tree advisory committee.

*Diameter at breast height (DBH):* The caliper measurement taken approximately four and one-half (4½) feet high on the trunk of a tree.

*Drip line:* The outer edge of the foliage of a tree extending in all directions parallel to the ground.

*Ground cover:* Plant material which is used to cover the surface of the ground to prevent erosion or retain moisture and should reach a maximum height of not more than twelve (12) inches at maturity, including turf.

*Median:* A landscape strip of land dividing a thoroughfare, boulevard or street into lanes according to direction of travel; or neutral ground within a circle drive of a cul-de-sac, or neutral ground separating a turn-out lane from the main street.

*Mulch:* Material that is used to cover the ground surface to prevent erosion, retain moisture and protect plant material.

*Native trees:* Certain species naturally occurring in south Louisiana and along the Gulf Coast.

*Plant material:* Any plant including trees, vines, shrubs, ground covers and annuals or vegetation of any size, species, or description.

*Right-of-way:* Part of a street or highway, not covered by the sidewalk or other paving, lying between the property line and the edge of the street.

*Public trees:* All trees and shrubs now hereafter growing on any street or any public land where otherwise indicated.

*Plant material:* Any plant including trees, vines, shrubs, ground covers and/or vegetation of any size, species or description.

*Public property:* All grounds owned and maintained by the parish.

*Tree—Class A:* Any woody plant of any species which normally grows to an overall height of approximately fifty (50) feet, with one main trunk although some species may have multiple trunks and many branches. A list of Class A tree species may be obtained by the public works department.

*Tree-Class B:* Any woody plant of any species which normally grows to an overall height of approximately twenty-five (25) feet with one or more main trunk(s) with many branches. A list of Class B tree species may be obtained by the public works department.

*Understory vegetation:* Any shrub(s) and tree(s) twenty-five (25) feet or less in height suitable for growth under the canopy of Class A trees.

*Vegetation protection zone:* The area within the drip line of a tree required by this ordinance to be preserved.

22-20-3. *Establishment of a tree advisory committee.*

(a) *Tree advisory commission.* The nine (9) members and non-voting ex-officio members are as follows:

- (1) As one (1) voting member, one professional forester, employed by an agency of government or an educational institutional having knowledge of urban forestry problems and licensed as required by law for the conduct of his/her profession.
- (2) One (1) voting member is representing the utilities. The Utility Council will designate the utility from which this member comes. The utility will then provide the name of the individual member.
- (3) As voting members, four (4) professional members to include: one (1) licensed landscape architect and three (3) other members such as licensed arborists, licensed architects, landscape architects, licensed landscape contractors, or other similar professional as appropriate.

- (4) Three (3) voting members selected at large, from residents and/or property owners of St. Bernard Parish chosen for their knowledge of and/or concern about the parish's urban forest.
  - (5) As non-voting ex-officio members, a representative from each of the following: the department of public works, the planning commission, the parish forester, and the director of community development.
  - (6)
    - a. The voting members of the tree advisory commission shall be appointed by the parish council.
    - b. The voting members of the tree advisory commission shall serve without compensation.
    - c. The tree advisory commission shall meet four (4) times a year.
- (b) The tree advisory commission shall have the following powers and duties:
- (1) Community tree plan.
    - a. The tree advisory committee shall formulate a community tree plan for the approval of the council.
    - b. The community tree plan shall include but not be limited to the goals and mission of the tree advisory committee, an inventory of resources, needed work, associated cost and time schedules for such work in correlation with public works and relevant information, such as activities of the tree advisory committee, standard tree maintenance and planting specifications and permit application procedures.
  - (2) There is hereby created and established a tree advisory commission which shall have the following composition, powers, and duties:

The Tree Advisory Commission shall consist of nine (9) members as set forth under Tree Advisory Commission and

    - a. Apply for and maintain a "Tree City USA" status with the National Arbor Day Foundation.
    - b. Conduct seminars and public education programs.
    - c. Plan and coordinate an annual Arbor week observance.
    - d. Develop a community tree plan.
    - e. Organize community tree planting projects.
    - f. Seek funding for projects and activities.
    - g. Develop a botanical garden, arboretum, and/or community forest preserve(s).
    - h. Develop a public tree fund for public tree-planting, permit fees, mitigation fees, and donations.

22-20-4. *Landscape requirements.* These provisions shall apply to:

- (a) All new commercial, industrial, multi-family, religious, educational institution, public and semi-public land uses that are developed after January 3, 2007.
- (b) Development that requires the issuance of a building permit for a building addition amounting to more than fifty (50) percent of existing street facade.
- (c) Issuance of an occupancy permit for uses of buildings that change from residential to commercial.

22-20-5. *Landscape plan.* All building permit applications covered by this ordinance shall be accompanied by a landscape plan. In addition to meeting Louisiana Horticulture Law requirements, building permits, applications on commercial, multi-family, and industrial lot(s) of more than "square footage" shall have a landscape plan prepared by a Louisiana Licensed Landscape Architect and shall bear the landscape architect's seal and signature. All landscape plans shall contain a statement, signed and dated by the preparer certifying that the plan was prepared in accordance with Louisiana Horticulture Law and specifications of this chapter.

The criteria shall include, but are not limited to:

- (a) Show all buildings, walkways, vehicular use areas, utility areas, retention/detention areas, site triangles, and miscellaneous site structures.
- (b) Show all on/off site utilities, servitudes, right-of-way, or easements.
- (c) Show all current land use of all adjacent property.
- (d) Show all protected trees and their trunk sizes using DBH (diameter at breast height) measured at four and one-half (4½) feet. *Show actual canopy spread of all protected trees or groups.*
- (e) Show layout of all plant materials, sizes, and specifications.
- (f) Show all other proposed paved surfaces, curbs, steps, and grade changes.
- (g) Show all other proposed site development amenities.
- (h) Show topography, existing natural features, and drainage information.
- (i) Provide complete plant schedule, of materials to be planted on the site.
- (j) Provide irrigation or watering system plat if applicable.
- (k) All landscape plans shall include a summary tabulation of all landscape requirements.

22-20-06*Abuse to or removal of any tree or vegetation on public property.* Except as otherwise provided in this section, it shall be unlawful for a person or contractor to perform any of the following acts regarding trees or other vegetation on or in public property. No person shall:

- (a) Damage, cut, carve, trim, prune, break, climb, or walk upon, injure or remove any tree or other vegetation.
- (b) Attach any rope, wire, nails, advertisements, decorations, or posters.

- (c) Spray any tree or vegetation with any chemical, insecticide, or other liquids, gases, and solids.
- (d) Set fire or permit any fire to burn.
- (e) No persons shall deposit, place, store, or maintain any public place, municipality, any stone, brick, sand, concrete, or other materials which may impede tree passage of water, air, fertilizer to the roots of any tree growing therein excluding temporary utility service or installation work.
- (f) All trees except those on the right-of-way green space near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence or frame.
- (g) The "construction tree guard" shall be no less than four (4) feet and eight (8) feet or at a distance in feet from tree trunk, which equals to the DBH in inches, or whichever is greater.
- (h) All building material, dirt or other debris shall be kept outside the construction tree guard.

22-20-07 *Tree permit requirements.* The following tree preservation requirements shall be followed if a preliminary plat is approved by the department of community development for a proposed commercial, office, industrial, institutional or residential development.

Following the issuance of a building permit, trees not designated for tree preservation on an approved landscape plan may be removed. This requirement is not applicable to street right-of-way, public/private servitude of access, utilities, drainage and sewerage areas necessary for the approved construction or site plans.

- (a) *Tree removal permit:* The tree removal process has been established to allow for a review of site development alternatives that would encourage the preservation of existing significant native.
  - (1) Tree removal permit is required: When one of the following conditions is present.
    - a. Tree clearing proposed for commercial, office, industrial, or institutional development(s).
    - b. Tree clearing proposed for residential development(s) is greater than one (1) acre.
  - (2) Tree removal permit is not required: When any parcel of land or site is present with the following conditions:
    - a. The land is zoned or proposed to be zoned for commercial, office, industrial, institutional development(s) and contains no native trees.
    - b. Tree clearing is for residential development(s) less than one (1) acre.
    - c. A landscape plan, tree preservation plan and/or tree replacement plan has been prepared, by a professional licensed by the state of Louisiana to do such work.

- d. The project must be reviewed and approved by the department of community development.
- (b) *Permit required to remove, cut, plant trees and other vegetation on public property:*
- (1) No person, including public utilities, shall remove any tree or shrub growing within a dedicated street area of public right-of-way or other public property without a permit from the department of community development.
  - (2) No person shall plant, spray, fertilize, prune, or remove any tree on any public property without first procuring a permit from the department of community development. the permit will cost twenty-five dollars (\$25.00).
  - (3) Utility companies and the department of public works shall be exempt from permitting requirements during major storms or situations which cause interruptions of service or immediate threat to public safety or where immediate action is required in accordance with parish safety policies and procedures.

22-20-8. *Historic Trees and Preservation.*

- (a) *Preservation of historic trees.*
- (1) Before any historic tree(s) may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefore and provide said application describing said tree(s); their locations, type of work to be performed and approximate date on which work will begin.
  - (2) Said application shall be published in the parish's official journal for two publications, and such application shall be enacted upon only after a delay of sixty (60) days after the first publication of such application. This section shall provide that any trimming of trees designated as historic landmarks, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric lines or under the supervision of a licensed utility arborist.
  - (3) Utility companies or the department of public works shall be exempt from subsections (1) and (2) during major storms or situations which cause interruptions of service or immediate threat to public safety.
- (b) *Determination of historic significance.* A historic tree is one of such character that it is inseparably connected with exceptionally important historic events in this parish or state.
- (c) *Same—(Quercus) Oak trees constituting historic landmarks.* The oak trees located on Jackson Boulevard, Pakenham Drive, De La Ronde Oaks, along Paris Road and in Docville or any tree with a trunk diameter of twenty-four (24) inches or more at a standard height of (DBH) four and one-half ( ) feet from the base of the tree shall be declared historic landmarks.

22-20-9. *Tree and urban forest preservation standards:*

<i>Existing (DBH) Inches of Preserved Trees</i>	<i>Class A Tree Credit</i>
26 inches or greater	5
20 inches	4
9 to 19 inches	3
3 to 8 inches	2

22-20-10. *Tree preservation plan:*

<i>Scientific Name</i>	<i>Common Name</i>
Class A Trees:	
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus phellos</i>	Willow Oak
<i>Quercus virginiana</i>	Live Oak (Southern)
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus Americana</i>	American Elm

22-20-11. *Enforcement, penalty and appeals.* The director of the department of public works shall be the enforcement agent of this article and any person, firm or corporation violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or may be imprisoned for a term not exceeding thirty (30) days, or both. Each day after a violation has been documented shall constitute a separate violation.

22-20-12. *Administrative guidelines.* Permits may be applied for as set forth below.

- (a) Applications for permits must be made to the department of community development not less than forty-eight (48) hours in advance of the time the work is to be done, so the department of public works can issue the right-of-entry order.
  - (b) Standards of issuance. The department of community development shall issue the permit provided for herein if, in their judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.
  - (c) Notice of completion shall be given within five (5) days to the department of community development for their inspection.
- (Ord. No. SBPC-702-01-07, § 1, 1-4-07)