



St. Bernard Parish Council

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

Guy McInnis
Councilman
at Large

George Cavignac
Councilman
at Large

Ray Lauga, Jr.
Councilman
District A

Nathan Gorbaty
Councilman
District B

Richard "Richie" Lewis
Councilman
District C

Casey W. Hunnicutt
Councilman
District D

**Manuel "Monty"
Montelongo III**
Councilman
District E

Roxanne Adams
Clerk of Council

#24

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON OCTOBER 20, 2015 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1698-10-15

Summary No. 3294

Introduced by: Administration on 10/6/15
Planning Commission recommended **APPROVAL** on 9/29/15
Public hearing held on 10/20/15

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 4; GENERAL PROVISIONS, SUBSECTION 2.14; ACCESSORY BUILDINGS AND STRUCTURES AND CHAPTER 22; ZONING, SECTION 5; RESIDENTIAL ZONING DISTRICTS, SUBSECTION 5; PERMITTED ACCESSORY BUILDINGS AND STRUCTURES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 4; General Provisions, Subsection 2.14; Accessory Buildings and Structures And Chapter 22; Zoning, Section 5; Residential Zoning Districts, Subsection 5; Permitted Accessory Buildings and Structures of the St. Bernard Parish Code of Ordinances.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Extract #24 continued
October 20, 2015

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, McInnis

NAYS: None

ABSENT: None

The Chairman, Mr. Cavignac, cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of October, 2015.

ROXANNE ADAMS
CLERK OF COUNCIL

GEORGE CAVIGNAC
COUNCIL CHAIRMAN

Delivered to the Parish President 10/22/2015 4:00pm
Date and Time

Approved ✓

Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council

10/23/2015 1:12pm
Date and Time

Received by

EXHIBIT "A"
SUMMARY NO. 3294
ORDINANCE SBPC #1698-10-15

Section 22 - Zoning
4 - General Provisions
2.14 - Accessory Buildings and Structures
&
Section 22 – Zoning
5 – Residential Zoning Districts
5 – Permitted Accessory Buildings and Structures

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22-4-2.14. Accessory buildings and structures.

(a) The following provisions shall regulate the location of accessory buildings with respect to required yards:

- (1) Accessory buildings shall be prohibited in any required front yard or side street side yard.
- (2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.
- (3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.
- (4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.

(b) Accessory buildings shall not exceed one (1) story or thirteen (13) feet in height except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

(c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than seventy (70) percent of the required rear yard, and in no case shall it exceed the lot coverage nor the total square footage of the building to which it is accessory.

(d) There shall not be more than one (1) accessory building or structure permitted to cover any part of a required rear or side yard with the following exceptions:

- (1) Dish antennas in any zone.

(2) A second accessory storage shed, gazebo, cabana, greenhouse or similar structure shall be permitted so long as the total square footage of all accessory buildings in the required rear yard does not exceed seventy (70) percent of this area.

(e) Metal accessory buildings shall not exceed one hundred twenty (120) square feet and nine (9) feet in height; and shall not be located closer than fifty (50) feet to a front property line.

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22-5-5 Permitted accessory buildings and structures.

No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit. All accessory buildings or structures must be permitted by the department of community development, and such structure must be accompanied by a completed dwelling with a certificate of occupancy unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

1. The following accessory buildings and structures are permitted in the rear and side yards:

- a. Storage sheds, detached garages and carports, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures.
- b. Fences, stone walls, and retaining wall. (Retaining walls shall not have to comply with setbacks.)
- c. Dog houses, runs, kennels, and penned areas.

2. An accessory building or structure that does not comply with the above requirements may be permitted by variance if the board of zoning adjustments finds that such accessory building or structure will be compatible with the location in which it is proposed to be built after considering:

- a. The character of the neighborhood and area;
- b. The size and shape of the lot;
- c. The location of the accessory structure; and
- d. The proposed use of the accessory structure.

3. Fences are permitted on lots without a dwelling when they share a common property line with a lot with an occupied dwelling (with a certificate of occupancy) under same ownership. The property shall meet the following conditions:

- a. When a servitude separates adjacent lots under common ownership, the property owner shall submit written approval from the servitude holder to the department of community development prior to the issuance of the fence permit.

Fences shall have at least one (1) latched gate or opening to the lot.

4. All detached residential accessory buildings and structures shall be subject to the following conditions (This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones):

- a. Residential accessory buildings and structures shall not occupy more than seventy (70) percent of the required rear yard, and in no case shall the size exceed twelve hundred (1200) square feet under roof with the enclosed portion not to exceed five hundred (500) square feet. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
- b. Accessory buildings and structures with plumbing improvements shall meet parish requirements for elevated dwellings.
 1. Plumbing improvements shall consist of not more than a toilet, sink, washer and dryer.
- c. Property owners who have received a variance to build an accessory building or structure with an enclosure exceeding five hundred (500) square feet shall meet the parish's requirements for elevated dwellings.
- d. Residential accessory buildings and structures shall not exceed thirteen (13) feet in height.
- e. Residential accessory buildings and structures must be fenced in. Garages may not be fenced in on the front side of a dwelling in instances where there is an impervious driveway leading to the structure. In instances where a garage is located on a lot which has a rear yard that fronts a street, the structure must be fenced in along the width of the rear property setback. A portion of the rear property setback may remain unfenced only for the width of the required rear impervious driveway leading to the garage. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
- f. When used as an accessory to a dwelling, metal storage buildings shall not exceed one hundred twenty (120) square feet in area and nine (9) feet in height. Metal storage buildings shall not front a rear property setback when said property has a rear property line which fronts a street. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
- g. Portable storage units such as PODS are allowed in any district for a period not to exceed thirty (30) days and shall only be permitted in the rear or side yard in accordance with the provisions outlined in section 22-5-5.4.e of this chapter. Mobile homes, travel trailers, and recreational vehicles may not be used as portable storage units.