

ORDINANCE NO. 4868

AN ORDINANCE AMENDING CHAPTER 126, "ZONING", ARTICLE III OF THE BOSSIER PARISH CODE OF ORDINANCES "UNINCORPORATED AREA WITHIN FIVE MILES OF BENTON" TO ADD AND/OR AMEND CERTAIN SECTIONS OR SUBSECTIONS

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 15th day of December, 2021, that Chapter 126, "Zoning", Article III of the Bossier Parish Code of Ordinances, "Unincorporated Area Within Five Miles of Benton", be and is hereby amended to add and/or amend certain Sections or Subsections, as follows:

Chapter 126 – Zoning

ARTICLE III. Unincorporated Area Within Five Miles of Benton

Section 126-671, be and is hereby amended to add the following definition:

Sec. 126-671. Definitions.

Caregiver is defined as an individual who is responsible for the care of an elderly, ill or disabled person residing in the primary dwelling.

Section 126-716, be and is hereby amended to add the following:

Section 126-716. R-A residence-agriculture districts.

(3) The following uses are subject to the same approval of location and site plan as uses requiring planning approval. In addition, such uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of division 7 of this article governing special exceptions:

Airport, which need not be enclosed within a structure.

Airport and dusting service, which need not be enclosed with a structure.

Campground for overnight camping, commercial and publicly owned.

Cemetery, which need not be enclosed within a structure.

Church, including parish house, community house and educational building.

Correctional, detention or penal institution.

Electric substation, which need not be enclosed within a structure, but must be enclosed within a well at least ten feet high and adequate to obstruct view, noise, and passage of persons.

Golf driving range and miniature golf course, which need not be enclosed within a structure.

Livestock auction market.

Mobile home.

Radio and television broadcasting transmitter, but not including a studio.

Revival church (temporary), as a temporary use upon a permit issue by the zoning administrator, which permit shall be good for a period of not exceeding one week and renewable for not more than three such periods.

Sanitary landfill.

Separate Dwelling Unit for a Caregiver.

Single family, detached-modular home.

Strip mining.

Section 126-717, be and is hereby amended to add the following:

Section 126-717. R-1 one-family residence districts.

(3) Special exception uses. The following uses are subject to the same approval of location and site plan as uses requiring planning approval. In addition, such uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of division 7 of the article governing special exceptions.

Art gallery or museum.

Cemetery, which need not be enclosed with a structure.

Church, including parish house, community house and educational building.

Convalescent home or other institution for the care of special groups.

Correctional, detention or penal institution.

Electric substation, which need not be enclosed within a structure, but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.

Hospital or sanitarium.

Mobile home.

Public overnight camping.

Schools, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Separate Dwelling Unit for a Caregiver.

Single family, detached-modular home.

Telephone exchange, but not including administrative offices, shops, or garages.

University or college (nonprofit).

Section 126-802, be and is hereby added as follows:

Section 126-802. Separate Dwelling Unit for a Caregiver.

In the unincorporated areas of the Benton-Parish MPC planning area, a single manufactured, modular home or recreational vehicle (RV) may be permitted on the same tract of land as a primary residence without the requirement of a subdivision plat in the R-A, Residential Agriculture Districts, or R-A, Residence One-Family Districts. Approval shall be considered a Special Exception and shall follow the procedure set forth by the Benton-Parish MPC. The following conditions for approval shall apply:

1. Caregiver units shall be occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caregiver units shall not be used as guest quarters, offered to or used as rental units by the general public, occupied by the property owner, or rented on a short-term basis.

2. The tract of land on which a manufactured or modular home is to occupy shall be a minimum of two acres in area and only one separate dwelling unit shall be allowed per individual tract.

3. The tract of land on which the recreational vehicle is to occupy shall:
 - a. be stored on asphalt or concrete surfaces only.
 - b. be located in the rear yard only in R-1 districts.
4. The tract of land must meet all Bossier Parish Health Department standards for potable water and sewerage treatment.
5. The additional single-family dwelling shall be separated from the primary residence by a distance of at least twice the minimum side hard setback requirement. The residence shall not be located in the front yard and all efforts should be made to locate the separate dwelling in the rear yard.
6. All efforts should be made to allow the separate dwelling to share a driveway with the primary residence. Any new driveway cuts must be approved by the Bossier Parish Engineer prior to applying for the Special Exception Use.
7. The Special Exception Use approval shall not supersede any subdivision covenants that would not allow a separate residence.
8. If approved, the owner of the property shall within ten days, file in the office of the Parish Recorder, with a filed stamped copy of the Planning Department, a declaration of covenants, which have been approved by the Executive Director, stating the right to maintain a separate dwelling ceases upon transfer of title of the land. Failure to timely submit the required copy of the recorded covenant will be grounds to revoke the Special Exception Use for occupation of the separate dwelling and shall be considered a violation of this Code and subject to the penalties herein. Upon transfer of the title, the separate single-family dwelling must be removed or the new owner must apply for a Special Exception Use to continue using the separate dwelling.
9. If approved, the owner of the property shall submit a new Special Exception Use application and the appropriate fees to the Board of Adjustment by January 31st of every year that the separate residence is occupied. The purpose of the hearing is to confirm the status of the occupant is the same as the original approval. If the occupant has changed, the relationship of the individual to the landowner will still comply with the above requirements.

Section 126-803, be and is hereby added as follows:

Section 126-803. Violations.

Any of the following shall be a violation of this Code:

1. To use or attempt to use any land, building or temporary structure in any way not consistent with the requirements of this Code;
2. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Code;
3. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Code;
4. To transfer title to any lots or parts of a development unless the land development plan or subdivision has received all approvals required under the Code and an approved plan or plat, if required, has been filed in the appropriate Parish office;
5. To submit for recording with a Parish office any subdivision plat or other land development plan that has not been approved in accordance with the requirements of this Code;
6. To install or use a sign in any way not consistent with the requirements of this Code;
7. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Code without obtaining all such required approvals or permits;

8. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Code in any way inconsistent with any such approval or permit and any conditions imposed;

9. To use land for any purpose other than as specifically identified on an approved site development plan (e.g. using designated open space, parking spaces or walkways for display or storage; parking in open space or buffer areas) or as otherwise required by this Code;

10. To violate the terms of any approval or permit granted under this Code or any condition imposed on such approval or permit;

11. To obscure or obstruct any notice required to be posted or otherwise given under this Code;

12. To violate any lawful order issued by any person or entity under this Code;

13. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Bossier Parish Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

The ordinance was offered by Mr. Rodgers, seconded by Mr. Marsiglia. Upon unanimous vote, it was duly adopted on this 15th day of December, 2021.

RACHEL D. HAUSER
PARISH SECRETARY

JEROME DARBY, PRESIDENT
BOSSIER PARISH POLICE JURY