

ORDINANCE NO. 4908

AN ORDINANCE AMENDING CHAPTER 110 “SUBDIVISIONS”, SECTION 110-66 OF THE BOSSIER PARISH CODE OF ORDINANCES “COMPLIANCE REQUIRED FOR REPAIR AND MAINTENANCE OF STREETS AND ISSUANCE OF STREET NUMBERS OR BUILDING PERMITS” TO ADD SUBSECTION (C) PROVIDING IN THE UNINCORPORATED AREAS OF BOSSIER PARISH OUTSIDE OF ANY METROPOLITAN PLANNING COMMISSION JURISDICTIONAL AREA FOR CONDITIONAL ADMINISTRATIVE APPROVAL BY THE PARISH ADMINISTRATOR OR PARISH ENGINEER OF A SEPARATE DWELLING UNIT ON THE SAME TRACT OF LAND AS A PRIMARY RESIDENCE TO PROVIDE FOR CAREGIVING OF A SPECIAL NEEDS INDIVIDUAL

WHEREAS, the Bossier Parish Police Jury, through its adoption of Chapter 110, “Subdivisions”, in the Bossier Parish Code of Ordinances of 1975, adopted regulations for the subdivision or resubdivision of land into lots or plots for building or dwelling sites, intended for a single primary residential structure per tract, with provisions for the submission and approval of maps or plats and minimum improvements for such subdivisions or resubdivisions, including penalties through the imposition of fines for the violation of any of the regulations; and

WHEREAS, the Bossier Parish Police Jury wishes to provide for the care of special need individuals who are older adults (65 or older), ill, or disabled by providing for conditional administrative approval by the Parish Administrator or Parish Engineer of a separate dwelling unit on the same tract of land that is the primary residence of either the special needs individual or a caregiving relative and is located in the unincorporated areas of the Parish outside of any Metropolitan Planning Commission jurisdictional area.

NOW, THEREFORE, BE IT ORDAINED that the Bossier Parish Police Jury in regular and legal session on this 7th day of September, 2022, that Chapter 110, Section 110-66 (c) of the Bossier Parish Code of Ordinances is enacted as follows:

Section 110-66 Compliance Required For Repair And Maintenance Of Streets And Issuance Of Street Numbers Or Building Permits

Section 110-66(c) is hereby added as follows:

(c) In the unincorporated areas of the Parish outside of any MPC jurisdictional area, in order to provide for special needs individuals who are older adults (65 or older), ill, or disabled, a single manufactured, modular home, or recreational vehicle (RV) may be permitted as a conditional administrative approval by the Parish Administrator or Parish Engineer on the same tract of land as a primary dwelling of either the special needs individual or a caregiving relative without the requirements of this Section for the approval and filing for record of a plat of subdivision. Any approval is subject to the following conditions:

1. A caregiver unit may be occupied by the special needs individual who is related to the owner(s) of the primary residence tract, and/or by their relatives or employees who are responsible for the care of the special needs individual.

2. A caregiver unit shall not be used as guest quarters, offered to, or used as rental units by the general public, or rented on a short-term basis. Should the necessary care of the special needs individual require the occupancy in the caregiver unit by an owner of the primary residence or caregiver of the special needs individual, or occupancy in the primary residence by the special needs individual or caregiver of the special needs individual, such occupancy is permissible.

3. The primary residence tract shall be a minimum of two (2) acres, on which the tract of land on which a caregiver unit will occupy shall be a minimum of one (1) acre on which only one separate caregiver unit shall be allowed per primary residence tract. If the caregiver unit is a recreational vehicle, it shall be parked on an asphalt or concrete surface only.

4. The primary residence tract of land must meet all Bossier Parish Health Department standards for potable water and sewage treatment.

5. All efforts should be made to locate the caregiver unit to the rear of the primary residence.

6. All efforts shall be made to allow the caregiver unit to share a driveway with the primary residence.

7. This conditional approval shall not supersede any recorded subdivision covenants, including those that would not allow a separate dwelling, which must be complied with regardless of the conditional approval.

8. An application for a caregiver unit under this Subsection shall be provided by and submitted to the Parish Engineer that includes the name of the owner(s) of the primary residence tract, the name of the special needs individual, and the name of the caregiver and the caregiver's relationship to the special needs individual, along with the signatures, as applicants, of the owner(s) of the primary residence tract, the special needs individual, and the caregiver for the special needs individual, the address and legal description of the primary residence tract of land where the special needs individual will reside, an aerial showing the primary residence tract of land, all improvements, and the

minimum one-acre area to be occupied by the caregiver unit, and any other information required by the Parish Engineer.

9. As part of the application, the owner(s) of the primary residence tract of land shall be responsible for signing a restrictive covenant to be provided and subsequently filed of record by the Parish Engineer following Police Jury approval of the application which, among other items, states:

“The right to maintain a separate caregiver unit on the following described property in Bossier Parish, Louisiana, [description of primary residence tract inserted], as approved by the Bossier Parish Police Jury on [date inserted], ceases upon transfer of title to the property. This declaration shall be a covenant, condition, and restriction which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the described property of this waiver. This covenant, condition, and restriction may be amended only with the approval of the Bossier Parish Police Jury. Any questions of interpretation of this waiver declaration shall be resolved by reference to Articles 775 et seq. of the Louisiana Civil Code, relative to Building Restrictions.”

10. If approved, the owner of the primary residence tract of land shall receive annually from the Parish Engineer a caregiver unit extension request affidavit of the need for continued occupancy of the caregiver unit, which affidavit shall be signed by the owner(s) of the primary residence tract and returned to the Parish Engineer by January 31st of each year that the caregiver unit is occupied. The purpose is to confirm the status of the applicants for the caregiver unit is the same as in the original application, or any differences that may have occurred, and to provide the condition of the special needs individual. The Parish Engineer will consider each extension request for approval for a period of one year. Should an extension request be denied by the Parish Engineer, the conditional use terminates and the caregiver unit shall be removed by the applicants within sixty (60) days from notice of the denial. If no extension request is submitted and approved for an existing caregiver unit, the conditional approval may be revoked by the Parish Engineer upon a finding that the need for the continued occupancy of the caregiver unit has not been established and the caregiver unit shall be removed by the applicants within sixty (60) days from notice of the finding.

11. Approval of a caregiver unit does not imply in any manner that the public or private access to either the primary residence tract or caregiver tract has been approved by the Bossier Parish Police Jury as adequate for public safety or emergency vehicle access, with the owner of the primary residence tract of land, the special needs individual, and the

caregiver as identified in the application acknowledging the assumption of risk intended by this condition.

12. Variance, Appeals. Should an application for a caregiver unit show exceptional hardship to the applicant because the primary residence tract of land is less than the minimum two (2) acres in size, the Parish Engineer is authorized to grant a variance for consideration of the application. Consideration of a variance shall be subject to the additional limitations that the primary residence tract of land and that portion of the primary residence tract of land which a caregiver unit will occupy meet all Bossier Parish Health Department standards for potable water and sewage treatment, and that granting of the variance for consideration of the application will not create nuisances, either to nearby property owners or the general public, or conflict with any recorded subdivision covenants.

Any applicant aggrieved by the variance decision of the Parish Engineer, or of the ultimate conditional administrative decision by the Parish Administrator or Parish Engineer on the application for a caregiver unit, may appeal such decision to a court of competent jurisdiction.

The ordinance was offered by Mr. Rodgers, seconded by Mr. Marsiglia. Upon unanimous vote, it was duly adopted on this 7th day of September, 2022.

RACHEL D. HAUSER
PARISH SECRETARY

THOMAS D. SALZER, PRESIDENT
BOSSIER PARISH POLICE JURY