

ORDINANCE NO. 4872

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 19th day of January, 2022, 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.

Accessory Dwelling Unit is a smaller independent residential structure located on the same lot or parcel as the primary residential dwelling.

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

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

(2) *Uses requiring planning approval.* The following uses are permitted upon approval of the planning commission of the location and site plan thereof as being appropriate with regard to a transportation and access, water supply, waste disposal, fire and police protection, and other public facilities as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Accessory Dwelling Unit

Extraction of other minerals, not including extraction by strip mining

Fire station

Kennel, boarding

Outdoor general advertising structure, which need not be enclosed within a structure in legally permitted areas

Park and playground, not including overnight camping

Pipeline or electric transmission line, which need not be enclosed within a structure

Railroad right-of-way, but not including shops, yards, and team tracks, which need not be enclosed within a structure

Riding academy

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the nonprofit state university or college

Water or sewerage pumping station

Water storage, which need not be enclosed within a structure

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

Section 126-717(2), be and is hereby amended as follows:

(2) *Uses requiring planning approval.* The following uses are permitted upon approval of the planning commission of the location and site plan, thereof as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities as not causing undue traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Accessory Dwelling Unit

Fire station

Golf course, but not including a commercial miniature golf course or commercial driving range, which need not be enclosed within a structure

Library (public)

Pipeline or electric transmission line, and underground lines shall be clearly marked

Railroad right-of-way, but not including shops, yards, and team tracks, which need not be enclosed within a structure

Water or sewerage pumping station

Water storage, which need not be enclosed within a structure

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

Section 126-803. Accessory Dwelling Unit (ADU)

One free standing single-family accessory dwelling may be constructed in rear or side yard of an existing owner-occupied single-family residence within the R-A district or in the rear yard of the R-1 and R-2 districts when located within the unincorporated area of the Benton-Parish MPC area, provided that:

A. Approval of an accessory dwelling unit shall be by “planning approval” following the procedures set forth by the MPC.

B. The accessory dwelling unit shall be affixed to or constructed on a permanent foundation and not be a manufactured home, modular home, or a moveable structure.

C. Colors, materials, and design of the ADU shall be substantially the same as the principal dwelling.

D. The Planning Approval shall not supersede any subdivision covenants that would not allow a separate dwelling unit.

E. Accessory Dwelling Unit Size

The permitted size of the ADU shall be determined by lot size as stated below:

1. Up to 12,000 square feet in area – 800 square feet heated area.

2. 12,001-25,000 square feet in area – 1,200 square feet heated area.

3. 25,001 square feet to one acre in area – 1,600 square feet heated area.

4. Tracts or lots greater than one acre in area – up to 50 percent of the heated area of the primary dwelling or 1,600 square feet of heated areas, whichever is greater.

F. Minimum Setback Requirements

1. The accessory dwelling unit shall be separated from the primary dwelling by a minimum distance of twice the side yard setback requirement and shall not be located in any required yard.

2. Rear yard setback shall be a minimum of 20 feet.

3. Side yard setback shall be a minimum of 10 feet.

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. Jorden, seconded by Mr. Rodgers. Upon vote, it was duly adopted on this 19th day of January, 2022, with the following votes recorded:

AYES: Mr. Benton, Mr. Brotherton via Zoom, Mr. Cochran, Mr. Darby, Mr. Gray, Mr. Jorden, Mr. Marsiglia, Ms. Parks, Mr. Plummer, Mr. Rimmer, Mr. Rodgers, Mr. Salzer via Zoom

NAYS: None

ABSTAIN: None

ABSENT: None

RACHEL D. HAUSER
PARISH SECRETARY

THOMAS D. SALZER, PRESIDENT
BOSSIER PARISH POLICE JURY