

ABITA SPRINGS SUBDIVISION REGULATIONS

ARTICLE 1 - JURISDICTION, AUTHORITY, AND DEFINITIONS

Section 1.1 Jurisdiction

From and after the date of adoption, this ordinance shall govern all subdivision of land within the corporate limits and police jurisdiction of the Town of Abita Springs.

Any owner of tracts, parcels, lots or lots of record within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision which shall conform to the minimum standards set forth in these regulations. Failure of the Planning Commission to report within 60 days shall be deemed approval by said Commission, unless the time for approval is extended by mutual consent of the applicant and the Planning Commission.

No plat of subdivision lying within such territory or part thereof, shall be filed and recorded in the office of the Clerk and Recorder of St. Tammany Parish, Louisiana, and no subdivider may proceed with improvements or sale of lots in a subdivision until such subdivision shall have been approved by the Planning Commission and such approval entered in writing on the plat by the Chairman of the Planning Commission. (See ARTICLE 5, Procedure for plat approval.)

Section 1.2 Authority

These subdivision regulations are adopted under the authority granted by the provisions of Act 139 of 1956, Louisiana Revised Statutes 33:101 – 120, as amended. The Abita Springs Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. Whereas said laws prohibit the subdivision of land into two (2) or more lots unless an accurate map, plan, and plat of such subdivision shall have been approved by the Planning Commission and shall have been certified and recorded in the office of the Clerk of Court of the Parish.

Section 1.3 Definitions

1.301 Certain words and terms are defined as follows:

1. Words used in the present tense include the future, words in the singular number include the plural; words in the plural number include the singular; and the word “shall” is mandatory.
2. The term “Commission” means the Planning Commission of the Town of Abita Springs, Louisiana.

3. Town of Abita Springs means the Mayor and Board of Alderman of Abita Springs, Louisiana.

4. Clerk of Court of the Parish means the St. Tammany Parish Clerk of Court.

1.302

Specific words used in this regulation:

1. Alley – a minor right-of-way, dedicated to public use.

2. Block - a parcel of land, intended to be used for urban purposes which is entirely surrounded by public streets, highways, railroad right-of-ways, public walks, cul de sacs, parks or green space, rural land or drainage channels or a combination thereof.

3. Building Line – a line between which line and any street line of a lot, tract, or parcel of land, no building or part of a building may be erected or altered.

4. Town Engineer – Professional engineer or engineering firm, registered and licensed in the State of Louisiana, recognized by the Town of Abita Springs as responsible for approving on behalf of the Town, submitted design of proposed subdivision infrastructure, including roads, drainage, utilities, storm water management, drainage calculation and all work necessary for subdivision approval as provided under the laws of the Town of Abita Springs. And further responsible for approving construction design of public works such as streets, roads, bridges and buildings and supervising the construction thereof on behalf of the Town of Abita Springs.

5. Comprehensive Plan or Master Plan – any legally adopted plans, or part or element of the overall plan for development of the municipality and its environment as provided by the legislature of Louisiana.

6. Servitude – the grant of any certain right of use of a tract, parcel or lot in favor of another such tract or lot or in favor of another entity including the Town of Abita Springs.

7. Engineer – shall mean a registered professional engineer registered in the State of Louisiana.

8. Surveyor – A Professional Land Surveyor registered in the State of Louisiana.

9. Frontage – the distance for which property abuts on street, road, highway, or other public way measured along the dividing line between the public way and private property.

10. Lot – a portion of a tract or other parcel of land intended as a unit for the transfer of ownership or for building development or both, including the

development of one ownership with two or more buildings for separate occupancy.

11. Lot Corner - a lot which abuts two or more streets at their intersection.
12. Lot Depth – the distance between front and rear lot lines. If these lines are not parallel the mean dimensions shall be deemed to be the lot depth.
13. Lot, Double Frontage – a lot which runs through a block from street to street and which abuts two or more streets.
14. Lot, Interior – a lot which is not a corner lot.
15. Lot Line, Front – the line separating the lot from the street or road. The front lot line of a corner lot shall be the line of least dimension.
16. Lot Line, Rear – the line opposite and generally parallel to the front lot line. The rear lot line of a triangular or irregularly shaped lot shall for the purpose of this regulation be a line not less than ten (10) feet long lying wholly within the lot, parallel to and the greatest distance from the front lot line.
17. Lot Line, Side – any lot line not a front or rear lot line.
18. Lot of Record - a parcel of land, the dimensions of which are shown on a map on file with the Clerk of Court of St. Tammany Parish prior to October 1, 1978. All lots of record shall have ingress and egress by means of a public street or road.
19. Lot, Reverse Frontage – a lot fronting on two (2) parallel streets but with access to only one.
20. Lot, Width – shall mean the width of the lot at the building setback line measured parallel to the street right-of-way line.
21. Minor Subdivision – Subdivisions creating 5 or less lots not involving the creation of any required improvements as set out in Section 3.2 herein may obtain final approval after the initial hearing provided for in this Section.
22. Plat, Preliminary – a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
23. Plat, Final – a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptance, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other dimensions of land and containing such other information as is required elsewhere in this ordinance.

24. Right-of-Way – a grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land, title to which shall rest in the public for the purpose stated in the dedication.
25. Sidewalks - the portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.
26. Streets – the term “streets” means a public thoroughfare used as a way for pedestrians and vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
27. Street, Arterial and Highways – streets and roadways which are used primarily for fast or heavy traffic and that form a part of the existing or projected Federal Aid Highway System, or the State Highway System
28. Street, Major – a street which provides easy access to the various traffic generators within the Town and to the arterial highway system.
29. Street, Collector - a street which carries traffic from minor streets to the major streets in residential and business areas and includes the principal entrance streets of a residential development and streets for circulation within such a development.
30. Street, Minor – a street which is used primarily for access to the abutting properties.
31. Street, Cul-De-Sac – a minor street with a turn-around and permanently closed to through traffic and used primarily for access to the abutting properties.
32. Street, Frontage or Service – a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.
33. Street Right-of- Way – that area dedicated to public use for streets, walks, drainage, and utility servitudes, etc. between front property lines.
34. Structure – anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. (This includes gasoline, pumps, signs, trailers, vending machines, etc.)
35. Subdivider – any person, firm, partnership, corporation or other entity, acting as a unite, subdividing or proposing to subdivide land as herein defined.
36. Subdivision – for the purpose of this ordinance, a Subdivision of land is (1) the division of land into two or more lots of ten acres or less in area or (2)

re-subdivision of land heretofore divided or platted into lots. Any sale or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds, shall constitute a subdivision of land and require, prior to any sale or contract of sale or agreement to purchase and before the delivery of a deed, the submission of a plat to the Planning Commission.

- 37. Utility – a commodity or service which is of public convenience and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.
- 38. Variance – a modification from the provisions of this regulation by the Abita Springs Planning Commission in cases when enforcement of its provisions or the laws governing lot size or set back requirements would result in unnecessary hardship.
- 39. Raised Dwelling – a dwelling constructed with foundations of continuous footing on piers that allow the flow of water and a minimum of thirty-six (36) inches above natural elevation.
- 40. Spoils – the removal of soil or debris during construction.
- 41. Waterway – a river, creek. All natural tributaries and manmade drainage improvements.

ARTICLE 2 - GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR THE SUBDIVISION OF LAND

Section 2.1 Conformity to the Town Plan

All proposed subdivisions shall conform to the Comprehensive Plan and/or any part thereof which has been officially adopted by the Planning Commission. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street, or parkway so designated in the Comprehensive Plan which has been officially adopted by the Planning Commission such part of such proposed public way shall be platted by the Subdivider in the same location and at the same width as indicated on the Comprehensive Plan.

Section 2.2 Lots

2.201 General: The minimum width of lots and minimum area shall conform to the requirements of Ordinances of the Town of Abita Springs.

2.202 Electrical Transmission Lines: In the case of electrical transmission lines where servitude widths are not definitely established, there shall be a minimum building set back line from the center of the transmission lines as follow:

Voltage Line	Minimum Building Set Back
46 KV	37 ½ Feet
69 KV	50 Feet
161 KV or over	75 Feet

In the event that Electrical Code requirements are amended or changed to impose stricter requirements, then the stricter requirements will prevail over those set forth herein above.

2.203 Flood plain management: on any proposed subdivision or resubdivision of land, the preliminary and final plats submitted for subdivision consideration shall clearly indicate all areas determined to be flood zones by the Federal Emergency Management Administration’s Flood Insurance Rate Maps. The following policies, referencing the FIRM regarding subdivision and improvements to the land will apply:

1. No improvement to the land will be made within the floodway of any drainage channel. In the event a floodway has not been determined for a drainage channel, no improvements will be made to the land within one hundred fifty (150) feet of any drainage core centerline indicated on the FIRMs.
2. There will be no net increase and fill material used to construct improvements within the flood plains designations “A” “B”; i.e. for every cubic yard of material imported to the site for structural fill (buildings or roads), one cubical yard of existing material will be exported from the same designated flood plain area. Excavated areas created by soil exportation may not be used as fill ponds. Normally dry retention or detention ponds are acceptable.
3. A cut and fill analysis will be required in addition to the comprehensive drainage plan required under Section 3.801 of these regulations.
4. Any improvements to the land plan are performed in a designated flood plain will conform to the related regulations established by the Corps of Engineers, the Parish of St. Tammany, jurisdiction drainage districts, or other municipal regulations governing flood plain management and/or improvements in designated flood plains.
5. Approval of the above must be approved by the Town Engineer.

NOTE: Subject matter previously contained in the Abita Springs Subdivision Regulations Section 2.202 – 2.204 are covered in Section 9 of the Code of Ordinances.

Section 2.3 Blocks

2.301 Requirements: The widths, lengths, and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of residential use contemplated.
 2. Lot sizes and dimensions as indicated under the applicable zoning district ordinances.
 3. Needs for convenient access, circulation, control and safety of street traffic.
 4. Limitations and opportunities of topography.
- 2.302 Length: Blocks shall not be less than three hundred (300) feet nor more than one thousand (1,000) feet in length, except as the Abita Springs Planning Commission considers necessary to secure efficient use of land or desirable features of street pattern.
- 2.303 Widths: Blocks shall be wide enough to allow two (2) rows of lots except where fronting on streets is prevented by topographical conditions or size of property; in which case, the Abita Springs Planning Commission may approve a single row of lots of minimum depth.
- Section 2.4 Streets
- 2.401 Conformity to the Comprehensive Plan: The location and width of all streets and roads shall conform to such Major Road Plan as may be adopted by the Mayor and Board of Alderman.
- 2.402 Relation to adjoining Streets: The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- Approval of the Louisiana Department of Transportation and the Town Engineer is required when the access point to the subdivision adjoins a State Highway.
- The arrangement of streets in a subdivision shall either:
1. Provide for the continuation of existing principal streets in surrounding areas: or,
 2. Conform to a plan for area development approved or adopted by Abita Springs Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing principal streets impractical.
- 2.403 Minor Streets: Minor streets shall be so laid out that their use by through traffic will be discouraged.
- 2.404 Marginal Access Street: Where a subdivision borders a contained or controlled access highway, the Abita Springs Planning Commission may elect to require marginal access streets, reverse frontage with screen planting contained in a non-

access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In cases where a controlled access street fronts or passes through a commercial area and marginal access streets are required, commercial facilities will be allowed to front on the marginal access streets.

2.405 Tangents: A tangent of at least one hundred (100) feet shall be introduced between reverse curves on major, and collector streets.

2.406 Alignments: The horizontal and vertical alignment for all streets shall be not less than the following except in cases of unusual topographic conditions:

1. Horizontal Alignment – Centerline radius

Major Streets	500 feet minimum
Collector Streets	300 feet minimum
Minor Streets	100 feet minimum

2. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographic conditions.

Major Streets with median	500 feet minimum
Major Streets without median	800 feet minimum
Collector Streets	300 feet minimum
Minor Streets	200 feet minimum

Sight distance for vertical alignment shall be determined by measuring from a point 4.0 feet above the roadway surface along a line of sight to a point 4.0 inches above the roadway surface.

2.407 Intersections: Streets shall be laid out so as to intersect as nearly as possible at right angles or not less than 75 degrees. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet, or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for the intersection may be required by the Planning Commission.

2.408 Rights-of-way Width: Street right-of-way widths shall be not less than the following:

Street Type	Minimum R/W in feet
Major – Controlled Access	150
Boulevards	100 (20' Median)

Arterial	88 – 100
Collector	60
Local-Curb & Gutter, and subsurface drainage	50
Open Ditch	65
Cul-de-Sac	60 (Radius)

2.409

Minimum Surface Widths and Cross-Sections:

Minimum surface widths and cross-section shall conform to the following:

	Urban Curb & Gutter <u>Pavement</u>	Urban Open Ditch <u>Pavement</u>
Major/Controlled Access	27'	26'
Boulevards (single lane)	18' ea. side	16' ea. side
Major Streets	27'	24'
Collector Streets	23'	22'
Local/Curb & Gutter	23'	20'
Cul-de-Sac	23'	20'
Arterial	26'	24'

In no case shall trees be closer than 10 feet to the edge of pavement. However, rights-of-ways shall be planned in such a way as to avoid interference with or destruction of trees with significant aesthetic or historical value.

2.410

Curb and Gutters: If curbs and gutters are provided, by the subdivision, they shall be permanent six (6) inch concrete curbs with twenty-four (24) inch integral concrete gutters, standard rolled curb and gutter or other construction approved by the Town's Engineer.

2.411

Additional Widths on Existing Streets: Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements. The entire right-of-way shall be provided where any part of this subdivision is on both sides of the existing street. When the subdivisions are located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway shall be provided.

2.412

Dead End Streets: Dead End Streets or Cul-de-Sacs shall be provided at the closed end with a turn-around an outside roadway radius of at least forty (40) feet and a right-of-way radius of sixty (60) feet. A cul-de-sac street shall not exceed four hundred (400) feet in length, measured from the entrance to the centerline of the turn-around or end of the street.

2.413 Private Streets and Reserve Strips: There shall be no private streets platted in any subdivision. Every lot in subdivision property shall be served from a publicly dedicated street

Section 2.5 Alleys

2.501 Locations: Alleys may be required in residential districts, except that the Abita Springs Planning Commission may elect to waive this requirement where other definite and assured provisions are made for service access.

2.502 Rights-of-ways Width: Alley right-of-way width shall be not less than as follows:

Residential area (when used) 7 ½ feet ea. side

2.503 Intersections: Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

2.504 Dead-end Alleys: Dead-end alleys shall be avoided where possible but if unavoidable, shall be provided with adequate turn-around facilities at the dead-ends as determined by the Abita Springs Planning Commission.

Section 2.6 Servitudes

2.601 Width: Except where alleys are provided for the purpose, servitudes across lots or centered on rear or side lot lines shall be provided for utilities where necessary and total width shall be at least fifteen (15) feet wide.

2.602 Intersections: Where servitudes intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access.

2.603 Buildings: No buildings will be permitted with utility servitudes.

2.604 Overhangs: Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits or servitudes at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the servitude.

2.605 Dead-ends: Every servitude shall terminate at both ends upon a street, alley, or another servitude, except that dead-end servitudes will be permitted if not more than 150 feet in length with no turns or bends.

Section 2.7 Street Names:

2.701 Street Names: Continuation of existing streets shall assume the same name as the existing street. Proposed street names shall not be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Abita Springs Planning Commission and the Board of Alderman for the Town of Abita Springs.

Section 2.8 Drainage

2.801 Drainage Courses: Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the Subdivider shall dedicate an adequate servitude along each side of the stream for the purpose of maintenance, storm water management or natural riparian protection. The width of said servitude will fully encompass the drainage channel including natural variations in the channel due to high flows, but in no way shall the servitude be less than twenty-five (25) feet in either direction of the drainage centerline.

2.802 Lots Along Drainage Courses: Drainage courses that fall within proposed lot lines and subject to the servitudes specified in Section 2.801 of these regulations, and said area within that drainage course servitude shall not count for more than ten (10) percent of the total minimum lot area as defined by these regulations.

Section 2.9 Public Use

2.901 General: Developers are required to set aside suitable sites for green spaces, parks, playgrounds and schools. These areas shall be indicated on the plat. The size and/or quantity of these sites is to be determined by the Planning Commission and be relative to the size, scale, and density of the proposed subdivision. Such determination by the Planning Commission shall be applied on a uniform basis to be established by the Planning Commission.

2.902 Public Uses: Where a park, neighborhood recreational open space, green space, a school site, or other areas for public use shown on a plan which previously has been officially adopted by the Planning Commission is located in whole or in part in the proposed subdivision, the Planning Commission shall seek to secure the reservation of the additional necessary land for such use. Special consideration shall be given to schools and parks in subdivisions larger than forty (40) acres or more, or one hundred (100) lots or more.

2.903 Green Space Requirement: There shall be required a fifteen (15) foot green space around the perimeter of each subdivision in which is comprised of land in excess of five acres.

2.904 The ownership of sites set aside for parks, neighborhood recreation open space,

green space school site or other area of public use shown on a plan which has been officially adopted by the Planning Commission will be agreed upon between the subdivider and the Planning Commission at the time of preliminary approval. Ownership will be by the lot owners of the subdivision as common ground for the subdivision, or by another group, agency, or jurisdiction as agreed upon by the Planning and Zoning Commission, the Town of Abita Springs and the subdivider.

Section 2.10 Reserved

Section 2.11 Deed Restriction or Covenants:

Deed Restrictions or Covenants may be placed upon the property to ensure that the development is of the character and caliber of the Town of Abita Springs as desired by the subdivider. These restrictions shall not be less than requirements of the Ordinances for the Town of Abita Springs and they shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the term of the restriction or covenants. Accompanying the final plat for approval shall be a copy of the deed restriction or covenants.

Section 2.12 Variances:

Where a subdivider can show that a provision of these general requirements and minimum standards of design would cause an unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, as a finding the Planning Commission a departure may be made without destroying the intent of such provision, or where the granting of a variance would be in the best interest of the Town of Abita Springs the Planning Commission may recommend a variance. Such variance shall compromise the landscape requirements to the most minimal degree feasible. There shall be no variance from the drainage requirements of the laws of Abita Springs.

Any variance thus authorized is required to be entered in writing in the minutes of the Planning Commission and the reason which justified the departure to be set forth. No variance however shall be authorized without the recommendation of the Planning Commission; provided, however, that the failure of the Planning Commission to report within (60) days from and after the date of official submission shall be deemed approval by the Commission.

ARTICLE 3-IMPROVEMENT STANDARDS

Section 3.1 General Requirements

3.101 General Requirements In consideration of the acceptance by the Town of Abita Springs and the assumption of the responsibility for maintaining the dedicated streets and public utilities constructed herein, the owner or owners of the

subdivision shall cause to be constructed at no expense to the Town, the following improvements according to the specifications set forth in this Article.

3.102 All plans and specification for subdivision construction proposed herein shall be prepared by a registered professional engineer. All survey work necessary to establish subdivision corners, street corners, lot corners and elevations shall be performed by a registered land surveyor. All plans, specifications, and construction activities will be approved by the Town of Abita Springs through its Town Engineer at the expense of the subdivider.

3.103 Zoning Compliance: All proposed subdivisions shall comply with the Town of Abita Springs Zoning Ordinances. Any proposed subdivision of land with a proposed use that is not in conformance with an approved use of the designated zoning of that land and regulations adopted by the Abita Springs Historical Commission shall not be approved. Conformance to zoning and the regulations adopted by the Abita Springs Historical Commission must be acquired either before subdivision approval or simultaneously to subdivision approval. In no case will subdivision approval be granted for a use that is inconsistent with the Zoning Ordinances of the Town of Abita Springs Historical Commission.

Section 3.2 Required Improvements

Every subdivider shall be required to make such improvements on the land as outlined within this section prior to the approval of a final plat and any transfer and ownership of any part of a proposed subdivision. These improvements shall include, but not be limited to, roads, streets, alleys, curbs and gutters, water and sewer utility systems, drainage channels and conduits, stormwater management facilities, natural gas systems, and sidewalks and repairs to Town Property damaged during construction of the project, removal of debris, treatment of soil, erosion control, seeding and landscaping or any improvements deemed necessary by the Abita Springs Planning Commission. The required infrastructure will be specifically detailed in the subdivision construction documents submitted to the Town of Abita Springs and approved, in writing, by the Town Engineer.

Section 3.3 Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Abita Springs Planning Commission or accepted for record by the Clerk of Court of St. Tammany Parish until either:

- 1. All required improvements, including repair to Town property damaged during construction, removal of debris, treatment of soil, erosion control, seeding and landscaping have been constructed in a satisfactory manner and approved in writing by the Town’s Engineer; or

2. The subdivision has been granted a substantial completion notice, not to be granted unless the improvements required by the Planning Commission and the Town Engineer are not less than 95% complete, by the Town Engineer, and an estimate of completion cost has been provided to the Town by the developer, at which time this list is approved by the Town's Engineer, said approval being based on the inspection of the project and validation of the unit costs for work of this nature. The developer shall place, on deposit with the Town, the approved completion cost amount in cash times three (3). The deposit will be refunded in full upon completion of the deficiencies or will be forfeited after 90 days if the deficiencies are not completed. Upon forfeiture of the deposit, the Town will assume the responsibilities of project completion. No building permits will be issued for the development until the project is 100% completed or as approved by the Town Engineer.
3. The improvements required by the Planning Commission and the Town Engineer are not less than 95% complete as certified by the Town Engineer, an estimate of completion costs has been provided to the Town by the developer at which time this list is approved by the Town Engineer, said approval being based on the inspection of the project and validation of the unit costs for work of this nature; the Abita Springs Planning Commission may accept a performance bond or letter of credit, approved by the Town Attorney in substance and form, in an amount equal to three times the estimated cost of installation of the requirement of improvements, whereby improvements may be made and utilities installed without cost to the area of the Town in the event of default by the subdivider/developer.
4. Additionally a maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance or repair of the required improvements for a period of two years after completion, must be provided by the developer and accepted by the Abita Springs Planning Commission, subject to approval by the Town Engineer. The bond or letter of credit shall be called by the Town if the required improvements are not completed after 90 days of issuance of said bond or letter of credit. Upon receipt of the proceeds of said bond or letter of credit the Town will assume the responsibility of project completion.
5. No building permits for improvement lots to be sold will be issued for development until the project is 100% completed, or unless approved by the Town Engineer.

Section 3.4 Streets

3.401 General: All streets shall be paved with hard surface of asphaltic concrete mix or concrete pavement as prescribed herein. Street grades shall be established in such a manner that building slabs will be a minimum of twelve (12) inches above center line of street, except for properties subject to the provisions of Section 2.03 which must conform to the requirements of Federal Emergency Management

Administration Flood Insurance Rate Map, all ordinances adopted by the Town of Abita Springs and provide for a minimum of hundred (100) year flood.

3.402 Repair of damage to public improvements prior to final subdivision plat.
No subdivision plat shall be approved or filed for record or recorded by the Clerk of Court of the Parish of St. Tammany until such time such plat is certified by the Town Engineer that any and all damage caused by the construction of the subdivision project public improvements of the Town of Abita Springs including but not limited to streets, sidewalks, drains, culverts and ditches, have been repaired to the satisfaction of the Town Engineer. The provisions of this Section may be satisfied by posting a cash bond or letter of credit under the terms and conditions set out in Section 3.3(3).

3.403 Ditches: If curbs and gutters are not provided, swale ditches shall be provided having at least 3:1 side slopes or side slopes having at least three (3) feet horizontal distance for each one (1) foot of vertical drop.

3.404 Wearing Surfaces and Paved Streets: All testing of the subgrade, the roadbed and the wearing surface shall be by a reputable testing laboratory approved by the Town of Abita Springs and at the expense of the developers. All other required testing shall be at the expense of the developers.

3.405 Grading: The full right-of-way shall be graded except where large specimen trees exist in the right-of-way and the grading operation cannot be executed without damage or death to the tree. Significant specimen trees, primarily live oaks (*Quercus virginiana*) shall be protected within a right-of-way.

3.406 Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals twenty (20) feet vertical shall be furnished as part of the subdivision improvement construction documents, when required by the Planning Commission or the Town Engineer.

Section 3.5 Sidewalks:

3.501 When the Planning Commission determines that sidewalks are to be included as part of the subdivision improvements package, sidewalks shall be located one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other plantings or structures placed on the property line at a later date. Concrete sidewalks shall be four (4) feet wide and four (4) inches thick.

Section 3.6 Sewerage:

3.601 The subdivider shall provide a wastewater collection system for each lot in the subdivision. If public sewer system is not within three hundred (300) feet of the track being subdivided, the subdivider has the option of 1) connect to the nearest public sewer system, regardless of distance 2) provide a central treatment plant

for the entire subdivision, in which all collection system requirements apply, or upon a finding by the Planning Commission that the connection into the nearest public sewer system or providing of a central treatment plant is not feasible then the subdivider may provide an individual treatment plant for each building which shall not exceed 12 individual sewer plants per subdivision.

- 3.602 All sanitary sewer systems shall conform to the following requirements:
1. All sewer mains installed within such subdivisions shall be at least 8" in diameter and must be of one of the following materials:
 - (a) Truss pipe conforming to ASTM D 2680
 - (b) Plastic pipe conforming to ASTM D 3034
 2. Manholes shall be constructed of one of the following materials:
 - (a) Pre-cast concrete conforming to ASTM C 478
 - (b) Brick conforming to ASTM C 32, Grade MA or ASTM C 139
 - (c) Fiberglass manholes may be approved by Town's Engineer on an individual project basis.
 - (d) Manhole castings shall be for roadway traffic, shall have a twenty two (22) inch opening and shall match the manhole.
 3. Force Main shall be sized for a minimum velocity of two feet/second. Force main may be cast iron or plastic, designed for 150 psi. Force main shall be tested at a pressure of 100 psi for two hours. Leakage shall not exceed 10 gpd/in./dia./mile. Plastic pipe shall meet Class 160 NSF.
 4. Service pipe shall be six (6) inches in diameter and shall be PVC pipe as specified in Article 3.602.1.(b) herein and shall be provided and installed by the developer to each lot property line.
 5. Pumping Stations shall be designed to provide for the maximum flows under which they are expected to operate. Individual grinder pumps/wet well units shall not be permitted. The type of station may be designated by the Town's Engineer.
- 3.603 Manholes shall be constructed at all intersections of sewer mains, at all changes in direction and shall not be more than three hundred feet apart.
- 3.604 Exfiltration tests shall be made on all sections of sewer main laid. Leakage shall not exceed 250 gpd/in/dia./mile. Water level in upper manhole shall be a minimum of one (1) foot above top of pipe. Other tests acceptable to the Town's Engineers may be used.
- 3.605 Subdivider shall connect the subdivision sewer system into the Town's sanitary sewer system at a point to be designated by the Town's Engineer.

Section 3.7 Water Supply:

3.701 The subdivider shall connect to the Town Water system at a point designated by the Town's Engineer and shall provide water service to each lot. Water main shall be a minimum of eight (8) inch pipe, as determined by the Town's Engineer. Where possible, and/or requested by the Town Engineer, the water main shall be looped.

3.702 Water pipe shall be one of the following:

- (a) Cast iron, AWWA approved for 150 psi working pressure. Test shall be conducted to determine the necessity of using polyethylene wrap. Where test so indicates, polyethylene shall be used.
- (b) Polyvinyl Chloride, AWWA approved 150-psi working pressure for eight (8) inch, and class 160 NSF approved for four (4) inch and smaller.
- (c) Service pipe shall be polybutylene and shall meet the stress rating of TB-2110 and shall have a pressure rating of 160 psi. Pipe shall be furnished in copper tubing sizes.
- (d) Fire hydrants shall be three way, shall be AWWA approved and shall match existing hydrant hose threads, as indicated by the Fire District having jurisdiction. Hydrants shall be located not further than three hundred (300) feet from the furthestmost fronting corner of any lot, not more than six hundred (600) feet apart, and at all street intersections. However, hydrants will not be required to be located within two hundred (200) feet of another hydrant.
- (e) Fitting for eight (8) inch main shall be AWWA approved. Smaller fittings shall be NSF approved.
- (f) Valves shall be AWWA approved.
- (g) Service connection fittings shall be as approved by Town's Engineer.

3.703 Water pipe shall be sterilized and shall receive approval from the Louisiana State Board of Health before connection to the Town Water System.

3.704 Water main shall be tested for one hundred fifty (150) psi for not less than four (4) hours. Leakage shall not exceed then (10) gallons/day/inch dia./mile

Section 3.8 Storm Drainage

3.801 An adequate A drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, detention ponds, or any other facilities shall be provided for the proper management of all surface water.

The engineering design of the facilities necessary to perform this task shall be based upon a drainage study performed by a registered professional engineer.

The drainage study will be executed utilizing a hydraulic methodology to determine the facilities necessary to meet the goals of these regulations. The drainage study will, at a minimum, identify the existing runoff characteristics (predevelopment condition) and the post development condition with consideration to the increase in the impervious area and the change in the velocity of storm water runoff. This requirement may be waived by the Planning Commission upon a determination that such a plan is not necessary. Such a determination shall be made in conjunction with preliminary approval.

1. The minimum design of the interior drainage system to the subdivision or site or tract proposed for development shall be based on a ten (10) year use storm frequency of not greater than one (1) hour duration and the minimum design considerations for the watershed area will be based on a twenty-five (25) year use storm frequency of not greater than one (1) hour duration. The selection of runoff coefficient shall be based on the anticipated nature of future development in the area and shall be subject to the approval of the Town Engineer.
2. Street drainage and grating shall be addressed on the submitted plans and shall extend the full width of the right-of-way.
3.
 - a) Preservation of drainage patterns and the drainage basin in which the subdivision is located shall be required by the Planning Commission.
 - b) No alteration of natural drainage channels shall be undertaken by a developer/subdivider except upon the expressed permission of the Planning Commission upon approval of the Town Engineer.
 - c) The drainage facilities proposed for the development will cause, in the post development condition, a 10% reduction in the predevelopment condition with regard to peak storm water runoff. Facilities to accomplish this reduction shall include onsite detention ponds or regional detention measures that exist within the same drainage base. The option of regional detention measures must be approved by the Town Engineer prior to the execution of the drainage study, design of the drainage improvements, or both. Any constructed detention ponds must provide for the proper aeration as approved by the Town Engineer.
 - d) Alternatively, the developer/subdivider may propose to undertake such work or improvements, at no cost to the Town, to make the downstream drainage system adequate to handle the anticipated flow resulting from the development of the property in conformance with these regulations. The Planning Commission may deny any such proposal to improve downstream drainage if the Planning Commission determines that the nature or extent of the proposed work or improvements would detrimentally alter the character or condition of any downstream drainage ways. The Planning Commission shall not approve any proposal to improve manmade drainage ways until the proposal is first reviewed by the Town Engineer and has been advised in writing that he has no objection to the proposal.

e) All spoil generated by construction on the subdivision project must be treated in a manner approved by the Town Engineer or removed from the site. This requirement shall be considered as part of the improvement necessary for final plat approval of the subdivision.

3.802 Pipe used for subsurface storm drain shall be concrete conforming to ASTM specifications for the type pipe used. Reinforced concrete pipe shall be used under roadways. Joints shall be rubber gaskets, wrapped in filter cloth and grouted. Joints shall be rubber gaskets for concrete and bands for corrugated metal. Only reinforced concrete pipe is to be used in the public right-of-way where drainage conduits extend beneath public streets.

3.803 Surface Drains

1. The grade for open ditch drainage shall be sufficiently designed to prevent ponding or stagnated water.
2. All surface drainage ditches places alongside streets shall be graded as to prevent undermining of streets by drainage water.
3. All surface drainage courses shall have a minimum of 2:1 side slope or side slopes having at least two (2) foot of horizontal distance for each one (1) foot of vertical drop.
4. Drains in ditches under driveways shall extend three (3) feet beyond the top edge of the drive shoulder for each foot elevation of the drive above the ditch bottom.

3.804 Control of erosion and sedimentation. Where there is an intention to make change in the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees or other vegetation covering thereon, the same shall only be accomplished after the Planning Commission shall have approved a plan for erosion and sedimentation control submitted by the owner or his agent. Submittal of any plans for erosion and sedimentation control shall accompany and be considered a part of the documents required for preliminary approval in the subdivision application process.

1. Requirements for submission.
 - a. Three sets of plans for control of erosion and sedimentation shall be submitted to the Planning Commission.
 - b. The estimated cost of accomplishing such erosion and sedimentation measures shall be stated in the application and be covered in any required performance bond and/or letter of credit, including the maintenance thereof.
2. Guidelines for erosion and sedimentation control

- a. Shall be developed to maximize the amount of natural drainage which is percolated into the soil and to minimize the direct runoff into adjoining streets and waterways.
- b. Sediment basins (debris basins, desilting basins, or silt trap) should be installed to removed sediment from runoff waters from land undergoing development.
- c. The development plan should be fitted to the topography and soil so as to create the least erosion potential.
- d. Wherever feasible, and in areas required by the provisions of this Ordinance, natural vegetation should be retained and protected.
- e. Provisions should be made to effectively accommodate the increased runoff caused by the changed soil and surface conditions during and after development.
- f. Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- g. The permanent final vegetation and structure should be installed as soon as practical.
- h. When land is exposed during development, only the smallest practical area should be exposed at one time and the exposure time should be kept the shortest practical period of time.
- i. At the building permit application stage, a review will be conducted by the Building Inspector to ensure conformance with the plan as approved.

3.805 Soil preservation, grading, and seeding of lots.

- a. Preservation and final grading – No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall be redistributed first to provide at least six (6) inches of cover on lots and at least four (4) inches of cover between the sidewalks and curbs and shall be stabilized by seeding or planting.
- b. Lot drainage – Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water to flow from any lot to any adjacent lots.

- c. Lawn, grass, seed and sod – Lawn – grass seed shall be sown at not less than four (4) pounds to each one thousand (1000) square feet of open land areas. The width of the right of way excluding roadways shall be seeded. Sod may be used to comply with any requirements of seeding set forth herein, if approved in advance by the Town Engineer.
- d. Debris and waste – No cut trees, timber, junk,, rubbish or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street adjacent to a lot for which there is sought to be the issuances of a certificate of occupancy in the subdivision nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond and/or letter of credit, or dedication of public improvements, whichever is sooner.
- e. The requirements of this Section shall be considered part of the required improvements necessary for final approval of a subdivision plat and shall be treated as estimates for final approval as set out in Section 3.2 of these regulations.

Section 3.9 Natural Gas:

3.901 If available natural gas will be installed by the owner at the subdividers expense, including all engineering and construction costs.

Section 3.10 Construction Inspection:

For all improvements required for final plat approval, as depicted on the construction documents approved by the Town’s Engineer, including but not limited to roadways, drainage facilities, water and sewer utilities, gas utilities, stormwater management infrastructure, sidewalks, repair to Town property damaged during the construction of the project, removal of debris, treatment of soil, erosion control, seeding and landscaping, the work will be inspected by the Town’s Engineer at the expense of the developer and prior to site development.

Section 3.11 Permanent Markers

3.1101 Permanent monuments consisting of a metal pipe three fourths (3/4) inch in diameter and three (3) feet long shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall be set flush with the finished grade. All survey work shall be done by a Registered Professional Land Surveyor. All development corners shall be marked with a 4” by 4” by 3” concrete markers.

3.1102 For all subdivisions of twenty-five (25) lots or more, a permanent benchmark shall be accessibly placed. The elevation of which shall be based on Mean Sea Level Datum as determined by the U.S. Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks shall be concrete with a minimum

dimension of four (4) inches square, three (3) feet long, with a flat top. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

3.1103 All other lot corners shall be marked with an iron pipe, not less than three fourths ($\frac{3}{4}$) inch in diameter and (2) feet long driven so as to be flush with the finished grade.

Section 3.12 Street Name Signs:

Street name signs shall be located at all street intersections and shall be of the designs as approved by the Town Council.

Section 3.13 Street Lights:

All subdivisions shall have streetlights. Street lighting plans shall be submitted to the Planning Commission for approval. Such plans shall provide for the subdivider or property owners to pay for the installation, use and maintenance of the street lighting system.

Section 3.14 Power Poles:

The Planning Commission may require the subdivision to provide servitudes for power poles in the rear of lots. When located on street right-of-way, power poles shall be located adjacent to the property line. All major subdivisions shall have underground utility lines. Minor subdivisions may have utility lines above ground on power poles.

ARTICLE 4-SUPPLEMENTAL CONDITIONS OF APPROVAL

Section 4.1 Fences and Corner Obstruction:

Fences shall not be constructed closer to the street than the front of the house or the setback line. Trees, shrubbery, or other obstructions shall not be placed within street right-of-way.

Section 4.2 Use of Lots:

The use of any lots created by any subdivision of land shall be in conformance with the approved uses of the Zoning District in which the parcel is situated.

Section 4.3 Re-subdivision:

A resubdivision of a previously plotted lot may occur provided the minimum lot size and dimensions are maintained for the applicable zoning and/or overlay district and the minimum set forth in these regulations and the Ordinances of the Town of Abita Springs are not being violated. A resubdivision of land requires the same process for approval, as applicable as a subdivision of land.

Section 4.4 Engineering and Legal Fees:

A fee schedule shall be as provided by a Resolution adopted by the Board of Aldermen for the Town of Abita Springs. Such fee schedule shall accurately reflect the actual cost of engineering and attorneys' fees incurred for the service provided. Such fee schedules shall be made available to the public as provided in such Resolution.

ARTICLE 5-PROCEDURE FOR PLAT APPROVAL

Section 5.1 Pre-Application Consideration:

Whenever any subdivision of a tract of land is proposed to be made, the subdivider or the agent shall present the project to the Abita Springs Planning Commission prior to submitting the preliminary plat at a work session of the Commission.

Section 5.2 Procedure for Preliminary and Final Plat Approval:

5.201 On reaching conclusions informally as recommended in Section 5.1 above regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvements, plans and other supplementary material specified herein.

5.202 The procedure for review and approval of a subdivision plat consists of five separate steps:

1. The preparation and submission to the Abita Springs Planning Commission of a preliminary plat of the proposed subdivision.
2. The preparation of plans and specifications showing all required improvements.
3. Construction of all proposed improvements in conformity with approved plans and specifications and inspection and approval of said improvements, to the point being at least 95% complete and compliance with Sections 3.2 and 3.3 herein.
4. The posting of a maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance and/or repair of the required improvements for a period of two years after completion.
5. The preparation and submission of the final plat together with required certificates to the Abita Springs Planning Commission. This final plat becomes the instrument to be recorded in the office of the Clerk of Court, St. Tammany Parish, when duly signed by the Chairman of the Abita Springs Planning Commission.

Section 5.3 Preliminary Plat Requirements:

5.301 At least thirty-one (31) calendar days prior to the meeting at which it is to be considered, the subdivider shall submit to the Abita Springs Planning Commission three (3) copies of the Preliminary Plat of the Proposed subdivision drawn to a scale of not less than one (1) inch equals one hundred (100) feet.

- 5.302 The preliminary plat which shall meet the minimum standards of design as set forth in Article 2 and the general requirements for the construction of public improvements as set forth in Article 3 shall give the following information insofar as possible.
1. The subdivision name, the names and addresses of the Owners and the designer of the plat, and the names and addresses of persons to whom the notice hereinafter provided for shall be sent.
 2. Date, approximate north arrow, and a graphic scale.
 3. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewer, bridges, culverts, drainpipes, water mains and any public utility servitudes, both on the land subdivided, and, on the adjoining land, wherever in the opinion of the Planning Commission it is deemed necessary or desirable, the names of adjacent subdivisions and the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records.
 4. The names, locations, widths, and other dimensions of proposed streets, alleys servitude, parks and other green spaces, reservations, lot lines, and building lines.
 5. Preliminary sketch plans or proposed utility layouts (sewer, water, gas (when available and electricity) showing feasible connections, where possible, to existing and proposed utility systems.
 6. Contour intervals to sea level datum of not more than one (1) foot. Show spot elevation of all breaks in grades along drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions.
 7. If any portion of the land being subdivided is below flood elevation as indicated on the map adopted by the Federal Emergency Management Agency in their flood insurance program, the limits of such flood shall be shown.
 8. Typical cross-sections of the proposed grading and roadways sidewalks and topographic conditions drawn to a scale of not less than one (10) inch equals one hundred (100) feet horizontal and one (1) inch equals twenty (20) feet vertical when required by the Abita Springs Planning Commission.
 9. The acreage of the land to be subdivided.
 10. Vicinity map showing location of subdivision site.
 11. The width and location of any existing street or other public ways and places.
 12. A wetlands determination which shows that area is designated as wetlands or non-wetlands under the regulatory jurisdiction of the U.S. Corp of Engineers. Considering the size of the development and topography the Planning Commission may waive this requirement.

13. Those areas that would be inundated as a result of a ten-year storm and also a 25-year storm as defined in Section 3.801 of these regulations.
 14. A plat plan that shows compliance with the Abita Springs Tree Ordinance.
 15. A plat plan that shows compliance with the Abita Springs Landscape Ordinance.
 16. A drainage study as required in Section 3.801
 17. An erosion control and sedimentation plan.
- 5.303 A public Hearing will thereafter be conducted, after which the Abita Springs Planning Commission will review and indicate approval, disapproval, or tentative approval with conditions. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to conditions, the nature of the required shall be indicated in writing. Any plats submitted to the Planning Commission shall contain names and addresses of the persons to whom notice of the hearing shall be sent; and no plat shall be acted on by the Planning Commission without affording a hearing thereon. Notice shall be sent to said addresses by registered mail with the time, date and place of such hearing not less than five (5) days before the date fixed, therefore. Similar notice shall be mailed to owners of land immediately adjoining the platted land as their names appear upon the parish assessment rolls.
- A hearing may be administratively waived and a final plat approval granted as provided by Section 9-602 of the Abita Springs Code of Ordinances adopted by the Town of Abita Springs and Louisiana R.S. 33:113.1.
- 5.304 Subdivisions creating 5 or less lots not involving the creation of any new streets or other infrastructure shall be considered a minor subdivision and may obtain final approval after the initial hearing provided for in this Section.
- 5.305 One copy of the preliminary plat will be retained in the Abita Springs Planning Commission files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes if any required; and one copy shall be transmitted to the Town's Engineer.
- 5.306 The approval of the preliminary plat by the Abita Springs Planning Commission shall be revocable and shall not be entered on the preliminary plat.
- 5.307 Approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within twelve (12) months from the date of such approval, unless an extension of time is applied for and granted by the Abita Springs Planning Commission.

Section 5.4 Plans and Specifications of Proposed Improvements

- 5.401 At least thirty-one (31) days prior to the meeting at which it is to be considered, the subdivider shall submit to the Abita Springs Planning Commission, six (6) sets of complete plans and specifications for all proposed improvements to be constructed.
- 5.402 Plans and specifications for all proposed improvements shall require the approval of the Town's Engineer, the Planning Commission, and the Louisiana Department of Health before commencing construction.

Section 5.5 Construction of Project

- 5.501 All materials for construction of project shall be submitted to the Town's Engineer for approval.
- 5.502 Subdivider shall submit in writing monthly progress reports to the Town Engineer regarding the construction of improvements
- 5.503 All required tests shall be made in the presence of the Town's Engineer at the expense of the developer. Only testing laboratories certified in the required testing and previously approved by the Town of Abita Springs will be accepted.
- 5.504 Three (3) sets of as-built drawings for all utilities and showing exact location of mains, services, and etc. shall be furnished to and approved by the Town's Engineer before final acceptance of the subdivision.

Section 5.6 Final Requirements

- 5.601 The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- 5.602 At least fifteen (15) calendar days prior to the meeting at which it is to be considered, the subdivider shall submit six (6) sets of the final plat. The final plat shall be drawn on sheets 24 inches by 36 inches and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.
- 5.603 A Public Hearing will thereafter be held, after which the Abita Springs Planning Commission will review and indicate approval, disapproval or tentative approval with conditions. No final approval will be granted until the Town Engineer has approved construction as 100% or substantially complete with deposit, as

identified in Sections 3.3, and 3.402 and all review and inspection service fees have been paid in full.

5.604 When the final plat has been approved by the Abita Springs Planning Commission, copies shall be distributed as follows:

1. One (1) approved copy to the subdivider for his records.
2. One (1) copy retained by the Abita Springs Planning Commission.
3. One (1) copy to St. Tammany Parish Tax Assessor's Office.
4. One (1) copy to the St. Tammany Parish Health Unit.
5. One (1) copy with the certification thereon for filing with the St. Tammany Parish Clerk of Court's Office as the official plat which must be filed within ninety (90) calendar days, otherwise, such approval shall be voided.
6. One (1) copy to Town's Engineer.

5.605 The Abita Springs Planning Commission shall approve or disapprove this final plat within sixty (60) calendar days after its submission. Failure by the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. The parties may agree to an extension of such sixty (60) day period. If the plat is disapproved, the grounds for disapproval shall be state upon the record of the Abita Springs Planning Commission in writing.

5.606 The final plat shall show:

1. Primary control points, or descriptions and "Ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
2. Tract boundary lines, right-of-way lines of streets, servitudes and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
3. Name and right-of-way width of each street or other right-of-way.
4. Location, dimensions and purpose of any servitude.
5. Number to identify each lot or site.
6. Minimum building set back line on all lots and other sites.
7. If any portion of the land being subdivided is below the elevation of flood as indicated on the map adopted by the Federal Emergency Management Administration in their flood insurance program, the limits of such flood shall be shown.

8. Location and description of monuments. Permanent reference monuments shall be shown thus: □ All corner lot markers shall be permanently located and show thus: "0" and located in the ground to existing grade. Permanent reference markers are to reference the Louisiana State Plain Coordinate System.
9. Names of record owners of adjoining unplatted lands.
10. Names and addresses of persons to whom notice of public hearing shall be sent.
11. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
12. Title, scale, north arrow and date.
13. Any zoning districts shown on any official map of the Town of Abita Springs.
14. All items required under preliminary approval.

5.607 The following certificates shall be recorded on the final plat:

1. Certificate showing the applicant is the landowner and dedicates streets, rights-of-ways, and any sites for public use.
2. Certificate by surveyor or engineer certifying to accuracy of survey and plat.
3. Certification by the parish health officer of sewerage and water systems.
4. Certification by Town's Engineer and Town Clerk of Abita Springs prior to the approval of the plat that the subdivider has complied with one of the following alternatives:
 - a. Installation of all improvements in accordance with requirements of these regulations, or
 - b. Posting of cash deposit in an amount three (3) times the Engineer's estimate for project completion to assure completion of all required improvements. For any cash deposit rendered in lieu of a 100% complete project, there shall be submitted with the plat a certificate by the Town's Engineer as to the sufficiency of the amount deposited reference Section 3.3 of these regulations.
 - c. Posting of a performance bond or a letter of credit approved by the Town Attorney, in an amount which is three times the cost of completion of the necessary improvements as certified in writing by the Town Engineer, whereby the required improvements may be made and utilities installed without any costs to the Town. The engineering and attorney fees required in this subsection shall be paid by the developer prior to final approval.
 - d. The deposit will be refunded in full upon completion of the deficiencies in the required improvement or shall be forfeited if said improvements are

not completed. If a bond or letter of credit has been posted in lieu of a cash deposit, such shall be called by the Town. The Town may assume the responsibilities of the project completion.

- e. That there exists no liability on the part of the developer for damage done to public property during construction.
5. Certification of the Town Engineer that all necessary plans have been submitted and construction done in compliance with:
- a. Abita Springs Tree Ordinance
 - b. Abita Springs Landscape Ordinance
 - c. Erosion Control Regulations
 - d. Soil Preservation Regulations as per Section 3.805
6. Certification by Town's Engineer and Town Clerk of Abita Springs prior to approval of the plat that a maintenance bond in an amount sufficient to cover any costs which might be incurred by the Town for the maintenance and/or repair of the required improvements for a period of two years after completion has been furnished by the developers and accepted by the Abita Springs Planning Commission.
7. Certification of approval to be signed by the Chairman of the Abita Springs Planning Commission.
- 5.608 No building permit for any improvements on lots to be sold shall be issued for the development until the project is 100% completed, or as approved by the Town Engineer.

ARTICLE 6-PENALTIES

Section 6.1 Penalties

Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell any land by reference to or exhibition or by other use of a plat of subdivision before such plat has been approved by the Planning Commission and recorded or filed in the office of the Clerk of Court of the Parish, shall forfeit and pay a penalty of five hundred (500) dollars for each lot or parcel so transferred or sold or agreed to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties herein provided.

Should any property be sold in violation of these regulations, each day that the land remains in the name of any unauthorized buyer in the records of the Clerk of Court for the Parish of St. Tammany shall constitute a separate offense.

Further, the municipality may enjoin such transfer, sale or agreement by suit for injury brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

Section 6.2 Improvements and Unapproved Streets

The Town shall not accept, layout, open, improve, grade, pave, curb, or light any street or lay or authorized to be laid, any water mains, sewers, or utility connections in any street within any portion of territory for which the Abita Springs Planning Commission has adopted a Major Street Plan except as provided for under Louisiana Act. No. 139, of 1956, R.S. 33, Section 115, as amended.

ARTICLE 7-VALIDITY, SHORT TITLE, EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

Section 7.1 Validity

Should any section or provision of this ordinance be declared as invalid by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7.2 Short Title

This ordinance may be cited and otherwise referred to as the “Abita Springs Subdivision Ordinance of 1978” revised 2005.

Section 7.3 It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by these regulations, or with private restrictions placed upon the property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Town is a party. Where these regulations impose a greater restriction upon land, buildings or structures than is imposed or required by existing provision of law, ordinance, contract or deed, the provisions of these regulations shall control. When the provisions of any existing provisions of law, ordinance, contract or deed impose greater restrictions upon land, buildings or structures then those provisions shall control.

The only amendments to the subdivision regulations intended to be made herein are those as shown. Any sections to which no changes are indicated are not amended.

Section 7.4 Adoption and Effective Date

Before adoption of these subdivision regulations, a public hearing as required by Act 139, of 1956, R.S. Section 112, was held on September 27th, 1978.

Public notice of this hearing was published in the St. Tammany Farmer, a weekly newspaper published at Covington, Louisiana, having a general circulation in the

Town of Abita Springs Louisiana on the 14th day of September 1978. A copy of the publication of this notice is attached hereto and made a part hereof.

These rules and regulations shall be in force and effective from and after the 28th day of September 1978.

Officially adopted this 27th day of September 1978.

Note: Amended Ord. No. 286, 4-19-05